



STRATHBOGIE SHIRE COUNCIL

PLANNING COMMITTEE

MINUTES

OF THE MEETING HELD ON TUESDAY 27 MAY 2014

COMMENCING AT 4.00 P.M.

AT THE EUROA COMMUNITY CONFERENCE CENTRE

Councillors: Malcolm Little (Chair)
Patrick Storer
Robin Weatherald
Graeme (Mick) Williams

Officers: Steve Crawcour - Chief Executive Officer
Phil Howard - Director, Sustainable Development
Emma Kubeil – Manager, Economic Growth
Jennifer Dowling – Team Leader, Planning
David Woodhams – Director, Corporate and Community

Business:

1. Welcome
2. Acknowledgement of Traditional Land Owners

'In keeping with the spirit of Reconciliation, we acknowledge the traditional custodians of the land on which we are meeting today. We recognise indigenous people, their elders past and present'.

3. Apologies

Councillor Debra Swan
Councillor Colleen Furlanetto
Councillor Alister Purbrick
Roy Hetherington – Director, Asset Services

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 13 May 2014

42/14 **CRS WILLIAMS/STORER** : *That the Minutes of the Planning Committee meeting held on Tuesday 13 May 2014 be confirmed.*

CARRIED

5. Disclosure of Interests

EXCERPT FROM MEETING PROCEDURE LOCAL LAW NO. 1

CONDUCT OF PUBLIC

52. VISITORS

- (1) Visitors must not interject or take part in debate.
- (2) Silence shall be preserved in the gallery at all times.
- (3) If any visitor is called to order by the Chairperson and again acts in breach of this Local Law, the Chairperson may order that person to be removed from the gallery.

53. CALL TO ORDER

Any person who has been called to order including any Councillor who fails to comply with the Chairperson's direction will be guilty of an offence.

Penalty: \$500

54. REMOVAL FOR DISRUPTION

The Chairperson has discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction under the provisions of this Local Law.

6. Planning Reports

7. Other Business

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**PLANNING COMMITTEE REPORT NO. 1 (MANAGER, ECONOMIC GROWTH
– EMMA KUBEIL)**

7. OTHER BUSINESS

7.1 Strathbogie Shire Council – Precinct Citations - Heritage Study Stage 2

Author & Department

Manager Sustainable Development / Sustainable Development

File Reference

T65/0160/03

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 Stage 2 of the Strathbogie Shire Heritage Study “The Study” has been prepared for the Shire of Strathbogie by RBA Architects & Conservation Consultants. The purpose of Stage 2 was to undertake the detailed assessment and documentation of the 750 places of potential heritage significance that were noted in Stage 1.

The Study is divided into four volumes as follows:

- Volume 1 - Introduction and Recommendations
- Volume 2 - Thematic Environmental History
- Volume 3 - Place Citations (2 parts)
- Volume 4 - Precinct Citations

The following documents are tabled for information purposes.

- Strathbogie Shire Heritage Study Stage 2 – Volume 1 Introduction and Recommendations
- Strathbogie Shire Heritage Study Stage 2 – Volume 2 Thematic Environmental History
- Strathbogie Shire Heritage Study Stage 2 – Volume 3 Part 1 (A to K) Heritage Place Citations
- Strathbogie Shire Heritage Study Stage 2 – Volume 3 Part 2 (L to M) Heritage Place Citations
- Strathbogie Shire Heritage Study Stage 2 – Precinct Citations

Introduction and Recommendations

Volume 1 Introduction and Recommendations includes; summary of current legislation, current heritage overlay, study methodology and recommendations. The recommendation include that the 60 individual sites and 9 precincts be included in the schedule to the Heritage Overlay in the Strathbogie Planning Scheme.

7.1 Strathbogie Shire Council – Precinct Citations - Heritage Study Stage 2 (cont.)

Thematic Environmental History

The thematic environmental history is a review of the physical development of the landscape and focuses on aspects such as settlement patterns and land uses that have been crucial to the development of the Shire.

Heritage Place Citations

The Heritage Place Citation Volume is in two parts, separated by alphabetic order, Includes individual citation for each of the 60 places identified. A citation includes the site; address, construction or planting dates, building types, significance, description, history, thematic context and recommendation.

Precinct Citations

Nine precincts have been identified comprising of, Avenel, Euroa Central, Euroa Public & Residential Precinct, Longwood, Nagambie Central, Nagambie Residential & Public Precinct, Violet Town Central Precinct, Violet Town Memorial & Recreation Reserve Precinct and Violet Town Residential & Public Precinct, each precinct has an individual citation which includes:

- a map of the area
- addresses
- construction dates
- building types
- significance
- description
- history
- thematic context
- recommendations

Preliminary consultation on all individual sites has been undertaken. Three landowners/community groups requested not to be included in the amendment. These three sites are the Violet Town Cemetery, Chatsworth Park (297 Mitchellstown Road Nagambie) and Former Bos House (101-103 Kennedy Street Euroa).

It is recommended that the Heritage Study be adopted and the Planning Scheme Amendment process be commenced to place 57 of the 60 recommended sites and the nine precincts into the schedule to the Heritage Overlay of the Strathbogie Planning Scheme.

7.1 Strathbogie Shire Council – Precinct Citations - Heritage Study Stage 2 (cont.)

RECOMMENDATION

That Council:

1. **Adopt Strathbogie Shire Heritage Study – Stage 2.**
2. **Prepare Planning Scheme Amendment C03 to the Strathbogie Planning Scheme to include 57 of the 60 individual sites and the 9 precincts into the schedule to the Heritage Overlay.**
3. **Submit Strathbogie Planning Scheme Amendment C03 Heritage Overlay, together with the prescribed information, to the Minister for Planning in accordance with Section 31(1) of the *Planning Environment Act 1987* for Authorisation.**
4. **Advertise the amendment to all relevant parties during public exhibition phase.**

43/14CRS WILLIAMS/WEATHERALD : That the Recommendation be adopted.

CARRIED

Background

In light of the limited level of heritage protection in the Shire, a heritage study was commissioned by Strathbogie Shire Council. The Heritage Study allows Strathbogie Shire Council to achieve the objective of Clause 15.03 of the State Planning Policy Framework, which states;

- *To ensure the conservation of places of heritage significance.*

Currently there are 30 individual heritage places listed on the Schedule to the Heritage Overlay in the Strathbogie Planning Scheme, of which 15 are included on the Victorian Heritage Register. Many of the sites are buildings but other items such as several bridges, two avenues and a tree, are included. There are also two unusual sites: the Strathbogie Aerial Navaid and Mrs Kisson's grave.

Stage One of the Strathbogie Shire Heritage Study was prepared for the Shire of Strathbogie during 2008 by RBA Architects & Conservation Consultants with the assistance of funds made available by the Victorian State Government through the Victorian Heritage Program, which is administered by Heritage Victoria. Stage 1 was prepared during 2008-2009 and involved the drafting thematic environmental history and a database (hermes) in which over 750 places of potential heritage significance across the Shire.

Stage One was adopted by Council at its meeting on 18 August 2009. Following adoption of Stage One, the Heritage consultants undertook inspections throughout the Shire to identify specific properties and landmarks for heritage consideration.

7.1 Strathbogie Shire Council – Precinct Citations - Heritage Study Stage 2 (cont.)

Heritage Precincts were identified and adopted by Council at its 17 August 2010 Planning Committee meeting.

Alternative Options

The author and other officers providing advice in relation to this report have considered potential alternative courses of action. No feasible alternatives have been identified

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 author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan

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

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements

Financial / Budgetary Implications

Majority of this study has been funded by Heritage Victoria and will provide further funding to assist in the preparation of the amendment documentation. All other financial implications will be absorbed by staff rates.

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community

Environmental / Amenity Implications

The author of this report considers that the recommendation has many positive built environmental or amenity implications for Council or the broader community.

Community Implications

The author of this report considers that the recommendation has no significant community or social implications for Council or the broader community

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006

7.1 Strathbogie Shire Council – Precinct Citations - Heritage Study Stage 2 (cont.)

Legal / Statutory Implications

Section 4 of the *Planning and Environment Act 1987* states:

Objectives

- (1) *The objectives of planning in Victoria are—*
- (d) *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;*

Consultation

All land owners have been provided with their individual citation and provided comments. Three (3) land owners/community groups objected to being involved and as a result we recommend leaving the three (3) properties out of the planning scheme amendment process. The three (3) properties are the Violet Town Cemetery, Chatsworth Park and the Bos House at Kennedy Street, Euroa.

Attachments

Nil.

**PLANNING COMMITTEE REPORT NO. 2. (MANAGER, ECONOMIC GROWTH
– EMMA KUBEIL)**

7.2 Strathbogie Planning Scheme Amendment C69

Author & Department:

Manager Sustainable Development/Sustainable Development

File Reference:

T65/0160/C69

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 site is approximately 150 hectares with frontages to Lobbs Lane and the unsealed continuation of Racecourse Road. The northern boundary consists of the continuation of Coes Road (unmade) and Lake Nagambie which also continues along the western portion of the subject site. The Goulburn River includes a narrow backwater which penetrates the site from the north, creating an irregular site boundary which runs along the lake's periphery.



Figure 1 – Subject Site and existing title boundaries

7.2 Strathbogie Planning Scheme Amendment C69 (cont.)

On the 14 June 2013 Tract Consultants on behalf of Box Grove Pastoral, submitted a request to rezone land known as Box Grove, Nagambie. The request sought to:

- Rezone the subject land from Farming Zone to Low Density Residential Zone
- Introduce a Development Plan Overlay – Schedule 2, to guide future use and development
- Retain the existing Floodway Overlay

The request is based on the assumption of 150 lots varying in size from 0.2 hectares and above. It is proposed that the smaller lots will have frontage to the backwater and the larger lots be sited towards Lobbs Lane which would provide for small hobby farm lot sizes.

The **Development Plan Overlay – Schedule 2** is proposed to provide Council with certainty and control about the future use and development of the site. As the rezoning request doesn't include subdivision layout and design details; the Development Plan Overlay and more significantly the specific individual schedule ensures that the use and development of the land is in accordance with the strategic objectives of the Strathbogie Planning Scheme and Council Plan.

The proposed Development Plan Overlay – Schedule 2, requires the following to be prepared prior to Council issuing a permit for any subdivision:

- Design Guidelines to specifically address; building heights, setbacks, location of garages, building materials, architectural styles, passive energy efficiencies techniques and waterways interface treatments
- Site Master Plan which will show; subdivision staging, street layouts and public open space
- Landscape Concept Plan to detail: street trees and landscape guidelines
- Stormwater and Flood Management

The Schedule to the Development Plan Overlay includes a Master Plan. The Master Plan has been prepared as a guide for the future use and development of the site. The key elements of the Master Plan include:

- Maximising public open space around vistas to the backwaters of Goulburn River and the Goulburn River itself including 10 metres along the frontage of the exiting dwelling
- Retain existing Avenue Planted trees in new boulevard roads where possible
- Retain significant native vegetation
- Provide a mix of lot sizes throughout the precinct
- Retain existing farm drainage in road reserves and open space
- Provision of a 60 metre 'no build' buffer to surface waters
- Provision of an open space node which could include BBQ, seating and play area

7.2 Strathbogie Planning Scheme Amendment C69 (cont.)

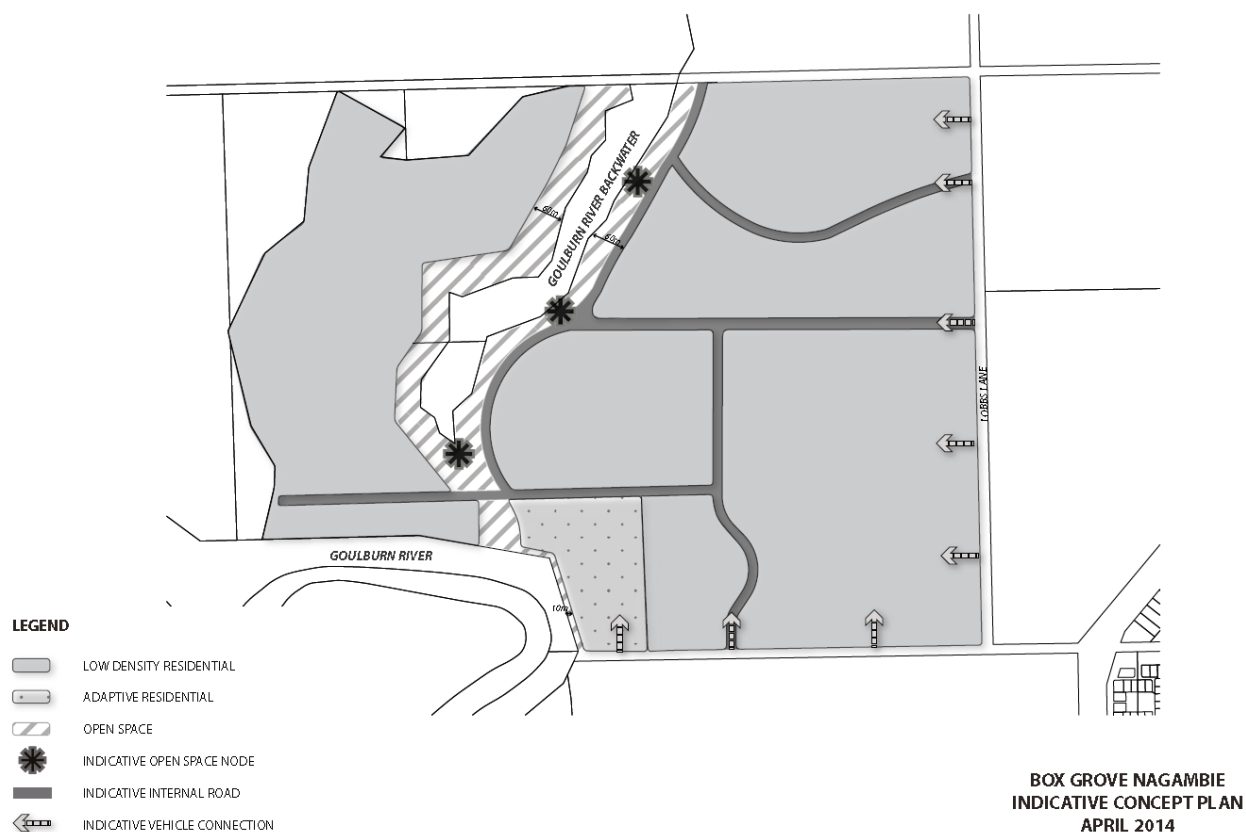


Figure 2 – Proposed Master Plan to be included to Schedule to the Development Plan Overlay

Council Officers are supportive of the rezoning of the site as it provides a number of opportunities and benefits to the community, including:

- Creating a sustainable low density development, not otherwise available in or near Nagambie
- Stimulate urban renewal within the existing township area
- Allows greater access to the Goulburn River
- Has potential to create future walking links along the river and back to the town centre
- Allows a rural-residential buffer between proposed residential/community development land and farming land
- Establishing the lagoon as a passive recreation water area
- Provides opportunity for population growth

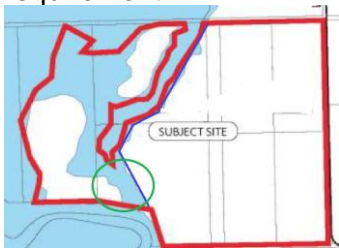
Prior to exhibiting and requesting Authorisation from the Minister, the following referral authorities were consulted:

- Goulburn Broken Catchment Management Authority
- Goulburn Valley Water
- Goulburn Murray Water
- VicRoads
- Department of Planning and Community Development

7.2 Strathbogie Planning Scheme Amendment C69 (cont.)

There initial comments are tabled below. Council and the applicant worked with the authorities to ensure that all major development issues were dealt with upfront. Only Goulburn Broken Catchment Management provided detailed advice, as per the table below.

Table 1 – Referral Authority Preliminary Advice

Department	Comment	Solution
Goulburn Broken Catchment Management (GBCMA) 26 August 2014	The western extremity of the land would be isolated from the balance in a 100-year ARI type flood event by an overland flow path (floodway), which becomes active during flood flows on the Goulburn River. This active floodway is likely to be more than 1.5 metres deep in a 100-year ARI type flood event. In the light of the above information, the Goulburn Broken CMA objects to the proposed re-zoning.	Through consultation with the GBCMA it was negotiated that the western extreme could be developed if a bridge was constructed above the flood height through the backwater gully. The Schedule 3 - Development Plan Overlay was updated to include it as a requirement. 
Goulburn Murray Water (G-MW) (28 August 2013)	G-MW has reviewed the information provided and objects to Planning Scheme Amendment C69 on the basis that onsite domestic wastewater treatment and management has been recommended for the proposed development.	Schedule 3 to the Development Plan Overlay was updated to include the requirement to be connected to reticulated sewerage.

Following the appropriate changes being made to the documentation Council Officers applied to the Minister for Planning for Authorisation. Authorisation A02644 was granted on the 2nd of October 2013.

Formal exhibition was undertaken from the 1st November 2013 to 2nd December 2013. Notice was given to; prescribed Ministers, Referral Authorities and adjoining landowners. Additionally a public notice was placed in the Government Gazette, Shepparton News, Euroa Gazette, Seymour Telegraph and Nagambie Voice.

7.2 Strathbogie Planning Scheme Amendment C69 (cont.)

Five submissions were received from referral authorities, with the Department of Environment and Primary Industries, VicRoads and Goulburn Valley water providing no objection. Goulburn Murray Water and Goulburn Broken Catchment Management Authority raised concerns/objections initially, however during consultation, these matters have been resolved and appropriate changes made to the Schedule 3 to the Development Plan Overlay.

Three submissions were received from members of the public all posing an objection to the proposed zoning change and subsequent development. Council Officers provided an opportunity for mediation to resolve the concerns which included phone calls, letters, emails and mediation meeting held individually between submitters, Council Officers, Tract Consulting and the landowner. Submitter one also attended a site meeting and submitter two was offered the same opportunity however did not attend.

The following documents are tabled for information purposes.

- Summary of Submissions
- Submitter 1 Letter 1
- Submitter 1 Letter 2
- Submitter 1 Letter 3
- Submitter 2
- Submitter 3
- Explanatory Report
- Development Plan Overlay Schedule 3
- Zoning Map
- Development Plan Overlay Schedule 3 Map
- Schedule to the Low Density residential Zone

A summary of the submitter concerns are:

Submitter One:

- Public Open Space
- Potential future use and development of the adaptive residential area
- Intensive lot development
- Protection of native vegetation
- Development in the flood prone land

Submitter Two:

- Impact to their visual amenity
- Loss of farming land
- Increase traffic to Lobbs Lane
- No benefit to Nagambie

Submitter Three:

- Historical issue with unsealed portion of Lobbs Lane being gated as an entry to Box Grove.

7.2 Strathbogie Planning Scheme Amendment C69 (cont.)

While Council Officers have addressed many of the submitters concerns none of the submitters are willing to withdraw their objection, therefore for the amendment to proceed, an Independent Panel is required to allow all parties to be heard.

RECOMMENDATION

That Council:

- 1. Requests the Minister for Planning appoint an independent Planning Panel to consider the unresolved submissions received to the public exhibition of Amendment C69 to the Strathbogie Planning Scheme, in accordance with Part 8 of the *Planning and Environment Act 1987*.**
- 2. Resolve that Councils' position is to support the Amendment in its current form including the changes made post exhibition.**
- 3. Write to the submitters, informing them of Council's decision to proceed to a Planning Panel Hearing.**
- 4. Confirm that the cost of the Panel Hearing must be paid by the proponent, i.e. as per the direct charge by Planning Panels Victoria.**

44/14 CRS WEATHERALD/STORER : That the Recommendation be adopted.

CARRIED

Background

On the 14 June 2013 Tract Consultants on behalf of Box Grove Pastoral, submitted a request to rezone land known as Box Grove, Nagambie.

The rezoning site comprises a property known as Lobbs Lane Nagambie and 21 Lobbs Lane Nagambie, including the following 10 parcels of land:

- Lots 1, 2, 4, 5 & 6 TP341538
- Lots 71B1 & 81B2 TP305589
- Lot 71A3 TP267139
- Lot 71B3 TP290415
- Lot 1 TP133882

To support the request to rezone the land from Farming Zone to Low Density Residential Zone and apply the Schedule 2 to the Development Plan Overlay, the following documents were submitted:

- Rezoning submission and amendment documents, prepared by Tract Consultants
- Cultural heritage advice prepared by Tardis Enterprises
- Flora and Fauna Assessment prepared by Ecology and Heritage Partners
- Traffic and Transport Assessment prepared by GTA Consultants
- Land Capability Assessment prepared by Paul Williams and Associates

7.2 Strathbogie Planning Scheme Amendment C69 (cont.)

- Bushfire Risk Assessment prepared by Terramatrix
- Services and Infrastructure Assessment prepared by HJ Macey
- Community Infrastructure & Demographic Needs Assessment prepared by ASR Research

At Council's Planning Committee Meeting of 10 September 2013 Council resolved:

1. *That Strathbogie Shire Council seek authorisation from the Minister for Planning to prepare Amendment C69.*
2. *That, upon receipt of the Minister's authorisation, Strathbogie Shire Council prepare and exhibit Amendment C69 to the Strathbogie 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.*

Alternative options

Council officers consider this the most appropriate option for the site to further the growth of Nagambie, while providing a diversity of housing not currently available in the municipality.

Risk Management

There are no risk management issues associated with the submission.

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 Nagambie Structure Plan within the Strathbogie Planning Scheme Municipal Strategic Statement to investigate for Rural Living Opportunities.

Best Value/National Competition Policy (NCP)/Competition and Consumer Act 2010 (CCA) 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 is rezoning additional residential land, which will support and drive good economic development initiatives within the Shire in particular Nagambie.

Environmental/Amenity implications

The Amendment has considered, and included, mechanisms for environmental protection and enhancement, and ensures amenity issues are adequately assessed and controlled.

7.2 Strathbogie Planning Scheme Amendment C69 (cont.)

The Amendment includes the application of a Schedule to the Development Plan Overlay which makes the requirement for significant detail to be considered to protect and control the amenity to Design Guidelines. Similarly the environmental constraints will be dealt with through the detail design and layout of the subdivision.

Community implications

The amendment will be exhibited to adjoining neighbours and notices places in the Nagambie voice and other relevant print to allow the broader community to have input into setting the appropriate level of controls, standards and objectives for use for the site.

Additionally through the development of this land, it will allow community access to highly sort after open space/recreational areas that are not currently assessable. The amendment provides for a future subdivision creating a variety of lot sizes that are not currently available to the community.

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*. Following a number of required processes including; authorisation, exhibition, panel (if triggered) and Council approval, final approval is given by the Minister for Planning.

Consultation

Formal exhibition was undertaken from the 1st November 2013 to 2nd December 2013. Notice was given to; prescribed Ministers, Referral Authorities and adjoining landowners. Additionally a public notice was placed in the Government Gazette, Shepparton News, Euroa Gazette, Seymour Telegraph and Nagambie Voice.

Five submissions were received from referral authorities, as detailed in attachment 1, with Department of Environment and Primary Industries, VicRoads and Goulburn Valley water posed no objection. Goulburn Murray Water and Goulburn Broken Catchment Management Authority raised concerns/objections initially however during through the process these have been resolved and appropriate changes were made to the Schedule 3 to the Development Plan Overlay.

Three submissions were received from members of the public all posing an objection to the proposed zoning change and subsequent development. Council Officers endeavoured to conduct mediation to resolve the concerns which included phone calls, letters, emails and mediation meeting held individually between submitters, Council Officers, Tract Consulting and the landowner. Submitter one also attended a site meeting and submitter two was offered the same opportunity however did not attend.

Attachments

Nil.

PLANNING COMMITTEE REPORT NO. 3 (DIRECTOR, SUSTAINABLE DEVELOPMENT – PHIL HOWARD)

7.3 Planning Applications Received
- 7 to 20 May 2014

Following are listings of Planning Applications Received for the period 7 to 20 May 2014.

RECOMMENDATION

That the report be noted.

45/14 CRS WILLIAMS/STORER : That the Recommendation be adopted.

CARRIED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.14 P.M.

Confirmed as being a true and accurate record of the Meeting

.....
Chair

.....
Date

List of Planning Applications received - 7 to 20 May 2014

Total 7

Application Number Display	Planner Name	Lodged Date Date	Reason For Permit	Applicant Name	Site Address Full Address
P2014-046	Jennifer Dowling	8/05/2014	Development of land for a carport	Warwick Paton	8 Orchid Street, Violet Town VIC 3669
P2014-047	Jennifer Dowling	7/05/2014	Use & development of land for a dwelling	Troy Spencer	86 Dykes Road, Marraweeney VIC 3669
P2014-048	Jennifer Dowling	9/05/2014	Development of land for a farm shed	Colin Sampson	47 Wattlevale Road, Bailieston VIC 3608
P2014-049	Jennifer Dowling	15/05/2014	Use & development of land for a boarding kennel and cattery	Liz & Rob Fearn	720 Nagambie-Locksley Road, Tabilk VIC 3607
P2014-050	Jennifer Dowling	14/05/2014	Use & development of land for a dwelling	Belinda Groves	286 Galls Gap Road, Gooram VIC 3666
P2014-052	Emma Kubeil	16/05/2014	Ten (10) lot subdivision	Brian Pethybridge	5/362 High Street, Nagambie VIC 3608
P2014-053	Jennifer Dowling	19/05/2014	Use & development of land for an extension to an existing dwelling	Terry Trewin	1907 Avenel-Longwood Road, Locksley VIC 3665