



STRATHBOGRIE SHIRE COUNCIL
PLANNING COMMITTEE
MINUTES

OF THE MEETING HELD ON TUESDAY 9 JUNE 2015

COMMENCING AT 4.00 P.M.

**AT THE NAGAMBIE WATERFRONT MOTEL
277 HIGH STREET, NAGAMBIE**

Councillors:

Malcolm Little (Chair)	(Hughes Creek Ward)
Colleen Furlanetto	(Seven Creeks Ward)
Alister Purbrick	(Lake Nagambie 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
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

Emma Kubeil - Manager, Sustainable Development
Jennifer Dowling - Assistant Manager, Sustainable Development
Kristina Murray - Planner

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 12 May 2015

29/15 **CRS WILLIAMS/SWAN** : *That the Minutes of the Planning Committee meeting held on Tuesday 12 May 2015 be confirmed*

CARRIED

5. Disclosure of Interests
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 C70

Report Description

The report recommends that Council seek the Minister for Planning to appoint a Panel to consider submissions received for Amendment C70.

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 C70 was prepared by the Strathbogie Shire Council as the Planning Authority at the request of Mr & Mrs Paton.

The amendment applies to approximately 4 hectares of land to the west of Violet Town, known as Lot 1 TP948667Q and Lot 1 LP111466, 6 & 8 Orchid Street, Violet Town. The land is generally bound by Cowslip Street (Murchison-Violet Town Road) to the south, Orchid Street to the east, Honeysuckle Creek to the North and private land, currently used for farming/lifestyle purposes to the west, as shown in Figure 1.

Strathbogie Planning Scheme Amendment C70 proposes to rezone the land from the Farming Zone to the General Residential Zone.

The Floodway Overlay currently applying to the land will be not be altered (refer to Figure 2).

Formal exhibition of the amendment was undertaken from the 12 February 2015 to the 12 March 2015. Notice was given to; prescribed Ministers, Referral Authorities and adjoining landowners. Additionally a public notice was placed in the Government Gazette, Euroa Gazette and Violet Town Village Voice.

Five (5) submissions were received from referral authorities, as detailed in attachment 1. All authorities provided no objection to the amendment.

Five (5) submissions were received from members of the public objecting to the proposed amendment, refer to the Submission Table at Attachment 1. Council Officers have provided all submitters with a response to the concerns raised. Three of the submitters have withdrawn their objection. The remaining two submitters have not responded therefore their objections/submissions still remain. For the amendment to proceed, an Independent Panel is required to allow all parties to be heard.

7.1 Strathbogie Planning Scheme Amendment C70 (cont.)



Figure 1 – Subject Site

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 C70 to the Strathbogie Planning Scheme, in accordance with Part 8 of the *Planning and Environment Act 1987*;
2. Resolve that Council's 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; and
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.

30/15 **CRS SWAN/WILLIAMS** : *That the Recommendation be adopted.*

CARRIED

7.1 Strathbogie Planning Scheme Amendment C70 (cont.)

Background

The Violet Town and District Strategic Development Plan was prepared by Planisphere in 2010 which reviewed the existing land uses throughout Violet Town including the opportunities and constraints for the town. The subject land was identified in the study as “preferred direction for Residential 1 Zone/Low Density Residential Zone expansion”. Subsequently Planning Scheme Amendment C50 introduced a new Municipal Strategic Statement and Local Planning Policy into the Strathbogie Planning Scheme in December 2013. The new Clause 21.03 includes a revised structure plan (Local area plan) for all large towns in the Shire. The new Violet Town Structure Plan (Local area plan) also shows the land as “preferred direction for Residential 1 Zone/Low Density Residential Zone expansion”, refer to Figure 2.

Figure 7 – Violet Town Structure Plan

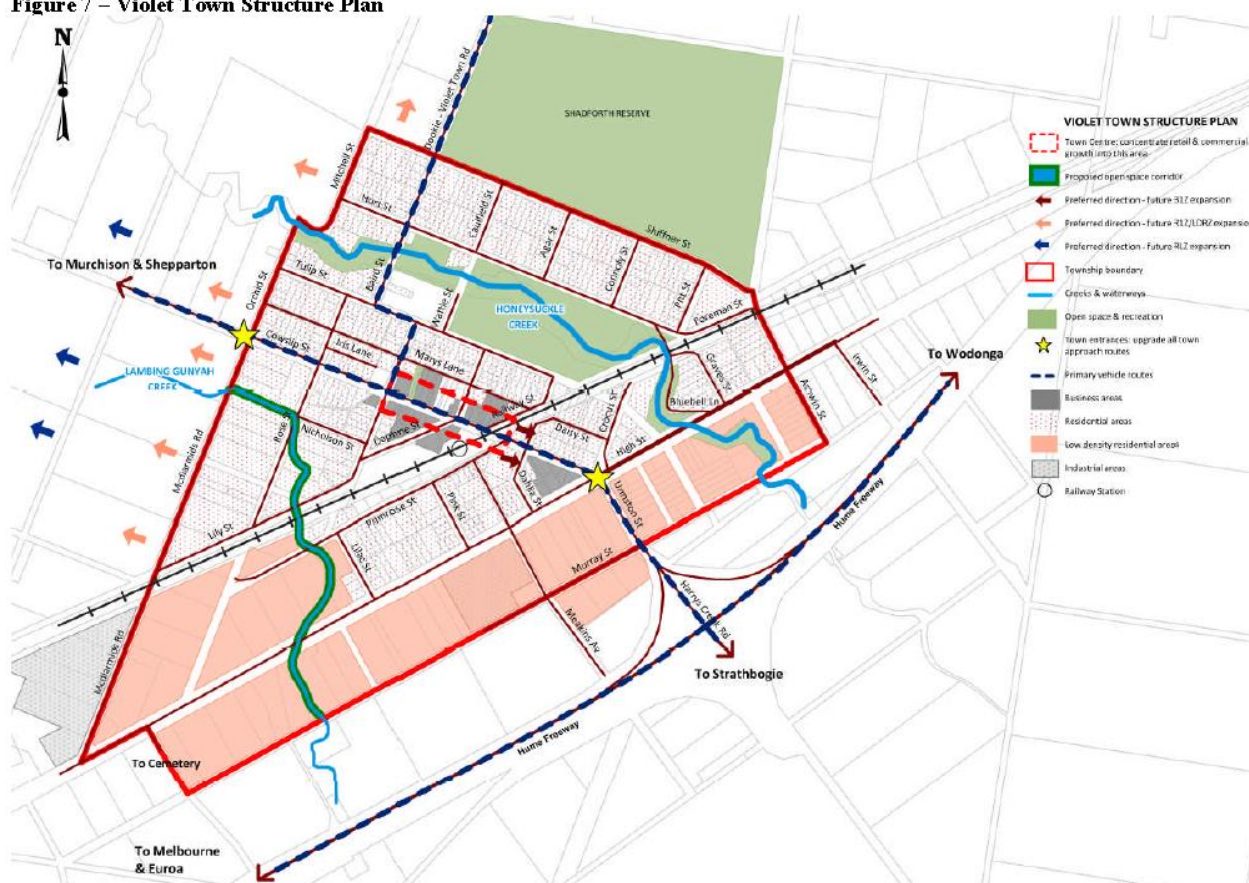


Figure 2 – Violet Town Structure Plan

Council at its meeting of 26 August 2014 resolved:

1. That Strathbogie Shire Council seek authorisation from the Minister for Planning to prepare Amendment C70.
2. That, upon receipt of the Minister’s authorisation, Strathbogie Shire Council prepare and exhibit Amendment C70 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.

7.1 Strathbogie Planning Scheme Amendment C70 (cont.)

On the 28 October 2014 the Department of Transport, Planning and Local Infrastructure granted authorisation to Council to prepare Amendment C70 subject to the following condition:

- *That the amendment documentation is revised to the satisfaction of the department prior to exhibition of the amendment.*

Revised amendment documentation was provided to the Department of Transport, Planning and Local Infrastructure and Amendment C70 and was placed on public exhibition.

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.

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 Violet Town Structure Plan within the Strathbogie Planning Scheme Municipal Strategic Statement for "*preferred direction for Residential 1 Zone/Low Density Residential Zone expansion*".

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 incurred 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 Violet Town Township. Violet Town currently has limited land available for residential development and only few vacant lots are on the open market for sale. This amendment will have positive economic implications.

Environmental/Amenity implications

The amendment is thought that it will not have a significant impact to the environment.

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.

7.1 Strathbogie Planning Scheme Amendment C70 (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 review the Planning Scheme is governed by the *Planning and Environment Act 1987*. Final approval is given by the Minister for Planning.

Consultation

Full public exhibition and notification was undertaken as required under the *Planning and Environment Act 1987*. Notification included:

- Notice in the Government Gazette
- Notice in the Euroa Gazette
- Notice in the Violet Town Village Voice
- Notice sent to all potential affected land owners
- Notice sent to Referral Authorities
- Notice sent to Prescribed Ministers

Having reviewed the submissions made from the public, a copy of the submissions were made available to the Applicant for review. The Applicant provided a response to Council and Council Officers tabled a response to the submitters for consideration and review. Three (3) of the five (5) public submissions were withdrawn.

Attachments

Submission Table

Planning Scheme Amendment C70 – Table 1

Submitter	Submission Points	Officer Comments
Goulburn-Murray Water 13 February 2015	<i>No objection. Any plan of subdivision for the site will require a 30 metre riparian buffer as per Clause 14.02 of the Strathbogrie Planning Scheme.</i>	<i>Noted.</i>
VicRoads 17 February 2015	<i>No objection subject to no direct access to the Murchison- Violet Town Road. Any planning permit would require a Transport Impact Assessment Report to be submitted with any application for development on the subject land detailing any mitigating works required at the Murchison-Violet Town Road/Orchid Street intersection.</i>	<i>Noted.</i>
Department of Environment, Land, Water & Planning 4 March 2015	<i>The Department offered the following comments: The proposed rezoning will result in lot sizes where all native vegetation will be deemed lost and this will need to be addressed at subdivision stage. The application notes that the site is relatively clear of significant vegetation and that any removal will be dealt with later. It appears a number of scattered trees may be impacted, together with vegetation abutting Honeysuckle Creek. The area falls within Location risk A under the Biodiversity Assessment Guidelines and any proposed clearing is likely to fall within the Low risk pathway for assessment. It may be worth the shire or applicant doing a preliminary assessment to ensure issues and requirements are understood early in the process. Protecting Honeysuckle Creek is flagged as important, with the Shire noting that the Floodway Overlay will provide some protection from development and restrict lot sizes. It may be worth considering actual buffers from the waterway for any development.</i>	<i>Any future planning permit application for the subdivision of land will need to consider the DELWP comments.</i>

<p><i>Goulburn Valley Region Water Corporation 26 February 2015</i></p>	<p><i>No objection.</i></p> <p><i>Note: All future lots will need to be connected to reticulated water supply and sewer services.</i></p>	<p><i>Noted.</i></p>
<p><i>Goulburn Broken Catchment Management Authority 23 February 2015</i></p>	<p><i>No objection, subject to the following recommendation/condition:</i></p> <p><i>1. Buildings and works are to be limited to land the floods less than 300 millimeters deep for a 100-year ARI type flood event</i></p>	<p><i>Noted.</i></p>
<p><i>Submittor 1 12 March 2015</i></p>	<p><i>Objects the amendment for the following reasons:</i></p>	
	<p><i>This land has been documented incorrectly on the forms on display to the public.</i></p>	<p><i>Council is not aware of any issues with the presentation of the amendment documentation. The amendment map is to scale.</i></p>
	<p><i>The environmental effects will impact.</i></p>	<p><i>Council are not aware of any potential environmental impacts that maybe caused by this amendment. Furthermore, any future development of the land will need to ensure there is no environmental effects.</i></p>
	<p><i>The land is in a Bushfire overlay as this is in the Farming Zone, and the Farming Zone to the west is NOT appropriately managed.</i></p>	<p><i>The land is not within a Bushfire Management Overlay. Furthermore, the land is relatively flat and clear of significant vegetation and is located on the fringe of Violet Town with good road access and reticulated water readily available. Although the site interfaces with land within the Farming Zone to the west, this land is generally used for rural residential purposes with vegetation on site appropriately managed. Given this, it is considered the site is a relatively low risk from bushfire, therefore an ideal location for the expansion of the town.</i></p>
	<p><i>Council records do not indicate the land is not 'Potentially Contaminated Land'.</i></p>	<p><i>Council have no records that indicate the land has been used for a purpose that would cause site contamination in the past.</i></p>

	<p><i>The proposed residential subdivision expansion in Violet Town is not 'in the area of Orchid Street'.</i></p>	<p><i>The Violet Town Structure Plan at Clause 21.03 of the Strathbogie Planning Scheme and the Violet Town and District Strategic Development supports the land to the west for future residential expansion.</i></p>
	<p><i>The Floodplain – Restriction of the flow of water</i></p>	<p><i>The amendment was referred to Goulburn Broken Catchment Management Authority the relevant floodplain authority. The GBCMA did not object to the amendment and indicated that any future development of the land will need to be located on land that flood less than 300mm deep for a 100-year ARI type flood event.</i></p>
	<p><i>Housing Diversity in Violet Town up to date stats currently do not show growth.</i></p>	<p><i>State Planning Policy encourages Council to accommodate for a projected population growth of at least 15 year period.</i></p> <p><i>On average an additional 11 new dwellings per year are constructed in Violet Town (based on Census data between 2001 and 2011). It is expected the subject site will yield between 10-20 lots, providing a 1-2 year land supply for Violet Town.</i></p> <p><i>Whilst there is an existing infill supply within the township, the subject site will provide an opportunity to provide a diversity in housing in Violet Town.</i></p> <p><i>The future subdivision of the land will be subject to a planning permit application.</i></p>
	<p><i>The rezoning will be a threat to local agricultural which is shown in another neighbouring council.</i></p>	<p><i>The subject site is located on the urban fringe of Violet Town. Due to its size and location of the subject land and adjoining parcel to the west, the land has not been used for a highly productive agricultural use for many years.</i></p>

<p><i>Submittor 2</i> <i>3 March 2015</i></p> <p><i>Objection withdrawn 4</i> <i>May 2015</i></p>	<p><i>Concerns raised in relation impact of additional traffic passing their property and along Orchid Street.</i></p>	<p><i>Any future subdivision of the land will need to consider any traffic impacts. Whilst the future subdivision layout has not been determined it is anticipated approximately 10-20 lots will be created. It is not expected the increase in traffic movements will adversely affect the residents within Orchid Street.</i></p>
	<p><i>Concerns that there is ample supply of residential land and properties available in Violet Town.</i></p>	<p><i>State Planning Policy encourages Council to accommodate for a projected population growth of at least 15 year period.</i></p> <p><i>On average an additional 11 new dwellings per year are constructed in Violet Town (based on Census data between 2001 and 2011). It expected the subject site will yield between 10-20 lots, providing a 1-2year land supply for Violet Town.</i></p> <p><i>Whilst there is an existing infill supply within the township, the subject site will provide an opportunity to provide a diversity in housing in Violet Town.</i></p> <p><i>The future subdivision of the land will be subject to a planning permit application.</i></p>
<p><i>Submittor 3</i> <i>12 March 2015</i></p>	<p><i>Objects to the amendment for the following reason:</i></p>	
	<p><i>The display land is incorrectly scaled and presented to the public.</i></p>	<p><i>Council is not aware of any issues with the presentation of the amendment documentation. The amendment map is to scale.</i></p>
	<p><i>The flood and bushfire overlays on this land has not been looked.</i></p>	<p><i>The amendment was referred to Goulburn Broken Catchment Management Authority the relevant floodplain authority. The GBCMA did not object to the amendment and indicated that any future development of the land will need to be located on land that flood less than 300mm deep for a 100-year ARI type flood event.</i></p> <p><i>The land is not within a Bushfire Management Overlay. Furthermore, the land is relatively flat and clear of</i></p>

		<p><i>significant vegetation and is located on the fringe of Violet Town with good road access and reticulated water readily available. Although the site interfaces with land within the Farming Zone to the west, this land is generally used for rural residential purposes with vegetation on site appropriately managed. Given this, it is considered the site is a relatively low risk from bushfire, therefore an ideal location for the expansion of the town.</i></p>
	<p><i>Council records have not been shown to the public's interest re contaminated land.</i></p>	<p><i>Council have no records that indicate the land has been used for a purpose that would cause site contamination in the past.</i></p>
	<p><i>There has been documents prepared in rezoning Violet Town and this wasn't in these.</i></p>	<p><i>The Violet Town Structure Plan at Clause 21.03 of the Strathbogie Planning Scheme and the Violet Town and District Strategic Development supports the land to the west for future residential expansion.</i></p>
	<p><i>There is plenty of vacant blocks of land in Violet Town in the Residential Zone for sale and or development to take place that is very close to the limited shops that area opened on limited hours.</i></p>	<p><i>State Planning Policy encourages Council to accommodate for a projected population growth of at least 15 year period.</i></p> <p><i>On average an additional 11 new dwellings per year are constructed in Violet Town (based on Census data between 2001 and 2011). It expected the subject site will yield between 10-20 lots, providing a 1-2year land supply for Violet Town.</i></p> <p><i>Whilst there is an existing infill supply within the township, the subject site will provide an opportunity to provide a diversity in housing in Violet Town.</i></p> <p><i>The subject site is within 500m of the town centre of Violet Town.</i></p>
	<p><i>There is no "future housing demand" just take into account the other areas in town that is not moving in Residential Zone.</i></p>	<p><i>Refer above.</i></p>

	<i>Every clause that is in this document can be edited and is incorrect as Violet Town is not Craigieburn and the new Kalkallo.</i>	<i>The amendment rezones the site only. The future development of the subject site will be subject to planning approval. It is not anticipated the land will be developed similar to Craigieburn or Kalkallo.</i>
Submitter 4 12 March 2015 Objection withdrawn 11 May 2015	<i>Object for the following reasons:</i>	
	<i>There is ample supply of residential land to meet the demand</i>	<i>State Planning Policy encourages Council to accommodate for a projected population growth of at least 15 year period.</i> <i>On average an additional 11 new dwellings per year are constructed in Violet Town (based on Census data between 2001 and 2011). It expected the subject site will yield between 10-20 lots, providing a 1-2 year land supply for Violet Town.</i> <i>Whilst there is an existing infill supply within the township, the subject site will provide an opportunity to provide a diversity in housing in Violet Town.</i>
	<i>Concerns raised in relation to the standard of housing</i>	<i>The amendment is only proposing to rezone the land for residential purposes. The future development of the land will be subject to separate planning approval.</i> <i>Like many of the existing lots within the township of Violet Town, Council are unable to control the types of dwellings constructed on individual lots.</i>
	<i>Impacts from the additional traffic movements allow Orchid Street</i>	<i>Any future subdivision of the land will need to consider potential traffic impacts. Whilst the future subdivision layout has not been determined it is anticipated approximately 10-20 lots will be created. It is not expected the increase in traffic movements will adversely affect the movement of traffic along Orchid Street.</i>

<i>Submittor 5 9 March 2015 Objection withdrawn on 11 May 2015</i>	<i>Objects for the following reasons:</i>	
	<i>The land is already significantly impacted by flooding.</i>	<i>The amendment was referred to the Goulburn Broken Catchment Management Authority (GBCMA) who is the relevant floodplain authority. The GBCMA did not object to the amendment and require any future buildings and works to be limited to land that floods less than 300 millimeters deep for a 100-year ARI type flood event.</i>
	<i>Concerns buildings up to 9m tall and shops will be constructed along a residential street (Orchid Street).</i>	<i>There is limited commercial uses allowed in the General Residential Zone, furthermore the commercial uses allowed generally require planning approval. The Township Zone currently applying to the township of Violet Town provides more flexibility in relation to the commercial uses than the proposed General Residential Zone.</i>

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

7.2 Planning Applications Received
- 7 May to 3 June 2015

Following are listings of Planning Applications Received for the period 7 May to 3 June 2015.

RECOMMENDATION

That the report be noted.

*31/15 **CRS FURLANETTO/WEATHERALD** : That the Recommendation be adopted.*

CARRIED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.05 P.M.

Confirmed as being a true and accurate record of the Meeting

.....
Chair

.....
Date

Planning Applications Received

7/05/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
2135 Euroa-Mansfield Road, Goomam VIC 3666	P2014-060 - PC1	Development of land for a dwelling, outbuilding and swimming pool	T & C Developments	\$0.00*
Cemetery Road, Koonda VIC 3669	P2015-059	Use and Development of land for a Dwelling , Farm Shed and Water Tank	Margaret & Terence Martin	\$350,000.00

8/05/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
8 Filson Street, Nagambie VIC 3608	P2015-043	Native Vegetation Removal (3 Trees)	Jordan Green	\$1,500.00

11/05/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
229 Walters Road, Euroa VIC 3666	P2015-057	Development of land for the construction of a dependant persons unit	Adele Crane	\$90,000.00

13/05/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
12 Grandview Road, Kirwans Bridge VIC 3608	P2015-061	Development of land for an extension	John Hollins	\$50,000.00

14/05/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
30 McKenzies Road, Locksley VIC 3665	P2015-060	Use and Development of land for a second dwelling	Justin Gee Building and Construction	\$2,000,000.00

15/05/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
7 Agar Street, Violet Town VIC 3669	P2015-056	Subdivision of land into two (2) lots	Michael Toll	\$0.00*

21/05/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
38 Cowslip Street, Violet Town VIC 3669	P2015-062	Works (fill)	Sam Campi	\$19,000.00

22/05/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
24 Park Street, Nagambie VIC 3608	P2015-064	Development of land for a shed	Outdoor Steel Solutions	\$15,632.00
57 Bank Street, Avenel VIC 3664	P2015-007 - PC1	Development of land for a dwelling and outbuilding and access from a Road Zone Category 1	Nick Muggleton	\$0.00*

26/05/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
134 Aerodrome Road, Mangalore VIC 3663	P2015-063	Use & Development of land for the construction of two (2) dwellings, a Greyhound Training Facility & a Greyhound Kennel Complex.	Living Street Designs Pty Ltd	\$925,000.00

27/05/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
24 Penrose Street, Nagambie VIC 3608	P2015-065	Development of land for a three unit development	JDesign Group	\$495,000.00

1/06/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Longwood-Mansfield Road, Creightons Creek VIC 3666	P2014-083 - 1	Use and Development of Land for a Dwelling and outbuilding	Patrick & Michelle McMahon	\$0.00*

3/06/2015 12:00:00 AM

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
20 Gibson Lane, Balmattum VIC 3666	P2015-066	Use and Development of land for a single dwelling	Mario Anastasi	\$250,000.00

*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