

MINUTES

FOR THE
GREATER SHEPPARTON CITY COUNCIL

SPECIAL COUNCIL MEETING

HELD ON
TUESDAY 21 OCTOBER 2008
AT 1.00PM

IN THE COUNCIL BOARD ROOM
90 WELSFORD STREET

COUNCILLORS:

Cr Eric Bott (Mayor)
Cr Kevin Ryan (Deputy Mayor)
Cr Chris Hazelman
Cr Jenny Houlihan
Cr Sondrae Johnson
Cr Dallas Terlich
Cr Bruce Wilson

VISION

GREATER SHEPPARTON
AS THE FOOD BOWL OF AUSTRALIA,
A SUSTAINABLE, INNOVATIVE
AND DIVERSE COMMUNITY
GREATER FUTURE

M I N U T E S
FOR THE
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CHAIR
CR ERIC BOTT

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PRESENT: Councillors Eric Bott, Kevin Ryan, Chris Hazelman, Jenny Houlihan, Sondrae Johnson and Dallas Terlich

1. ACKNOWLEDGEMENT

“We the Greater Shepparton City Council, begin today’s meeting by acknowledging the traditional owners of the land which now comprises Greater Shepparton. We pay respect to their tribal elders, we celebrate their continuing culture, and we acknowledge the memory of their ancestors”.

2. APOLOGIES

Moved by Cr Hazelman

That the apology of Councillor Wilson be received and a leave of absence be granted.

CARRIED

3. DECLARATION OF PECUNIARY INTERESTS, CONFLICTS OF INTEREST AND INTERESTS

Cr Johnson declared a pecuniary interest in regards to item 5.3 on the agenda in that she is part owner of a property affected by the flood overlay.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

5. MANAGEMENT REPORTS

FROM THE DEVELOPMENT AND INFRASTRUCTURE DIRECTORATE

5.1 Adoption of Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy and Authorisation to prepare Amendment C121

Summary

Approval is sought to adopt the Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy (RRLUS) and to seek authorisation to prepare Amendment C121 to the Greater Shepparton Planning Scheme to implement the recommendations of the strategy.

In identifying agriculture as the future of the economy within this region, the adoption of the RRLUS will be the first step in ensuring its long-term sustainability.

The Acting Minister for Planning (in the ministerial media release dated 16 September 2008) noted that the RRLUS was “a matter of state significance” and he congratulated the councils on their initiative in developing a strategy that would “provide a consistent approach to the management of rural land”.

These comments are further supported by the Minister’s approval of Amendment C100, which introduced interim controls, and the Minister’s comments that “the inclusion of the interim provisions is a key component to the successful implementation of the outcomes of the RRLUS in the future”.

Moved by Cr Hazelman

That the Council:

1. Adopt the Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy.
2. Under section 9(2) of the *Planning and Environment Act 1987*, seek authorisation to prepare an amendment to the Greater Shepparton Planning Scheme to implement the recommendations of the strategy.

LOST

Applicant/Property Details

The RRLUS was prepared on behalf of the Greater Shepparton City Council and the Moira and Campaspe Shire Councils. The study area is based in and around the Goulburn Valley and comprises land within the rural areas in each of the council regions.

Each of the three councils will undertake a planning scheme amendment to implement the recommendations of the strategy.

Proposal in Detail

The Campaspe and Moira Shire Councils and the Greater Shepparton City Council have recently completed a regional planning process in order to develop a consistent response to the management of rural land use. This project involved a detailed analysis of the existing land use patterns, socio and economic trends, environmental assets and planning and policy framework which govern the future development of land within the Farming Zone across the region.

5. MANAGEMENT REPORTS

5.1 Adoption of Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy and Authorisation to prepare Amendment C121 (continued)

The study area was based within the Goulburn Valley and incorporated the three municipal areas. As well as being the state's key agricultural area in terms of productivity and diversity, the region produces a significant proportion of the country's dairy and horticulture product. On-farm production, processing and packing are core sectors of the regional economy.

In recent years, some rural land has been placed under pressure to convert to non-agricultural uses such as residential. The RRLUS seeks to determine the appropriate balance between these land uses and contribute to managing the social, economic and environmental implications of landscape change.

Whilst the three councils recognise the value, significance and challenges facing agriculture and rural land, inconsistencies between Municipal Strategic Statements (MSS) and Local Planning Policies (LPP) in regard to subdivision, excisions and rural dwellings currently exist. The RRLUS seeks to achieve a consistent approach when considering such applications within the Farming Zone.

Throughout the development of the RRLUS, the three councils resolved to take a bolder path into the future. This will involve being more decisive in the assessment of development proposals and placing the longer term protection of agricultural enterprises ahead of short-term individual gains. The RRLUS will discourage developments which aim to provide a non-agricultural based economic return at the future expense of neighbouring agricultural activities. The emphasis on agricultural investment and growth offers the flow-on effects which will have wider beneficial regional outcomes.

In regard to lot sizes, the RRLUS favours a performance-based approach rather than one that specifies minimum lot sizes in Schedules to the Farming Zone. The current structure of the Victorian Planning Provisions however does not support such an approach, and therefore minimum lot sizes in excess of current minimum sizes are proposed, based on the trends of agricultural activity across the region. It is proposed that these be consistently applied in the three Planning Schemes based on the application of the three variations of the Farming Zone, these being Farming 1 Zone (Growth), Farming 2 Zone (Consolidation) and Farming 3 Zone (Niche).

The RRLUS is now presented to the Council for final adoption following the recent public display period, and includes a number of changes following consideration of the written feedback provided and summarised in Appendix I of the Strategy.

The changes relate to the updating of ABS data, review of mapping to more accurately reflect the biodiversity status and EVC data in relation to native vegetation, clarifying that the RRLUS applies to all rural land, not just large irrigated properties and finalisation of the Rural Conservation Zone and Overlay.

Background

On 1 April 2008 the Council resolved to:

- Adopt the draft Campaspe, Greater Shepparton and Moira RRLUS in principle
- Request the Minister for Planning to use his Ministerial Powers of Intervention under section 20(4) of the *Planning and Environment Act 1987* to exempt himself from the notice requirements of the Act for the introductions of interim controls to the schedule to the Farming Zone
- Proceed with the exhibition of the draft strategy once it had been finalised.

5. MANAGEMENT REPORTS

5.1 Adoption of Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy and Authorisation to prepare Amendment C121 (continued)

The RRLUS was exhibited from 4 August to 1 September 2008, with information sessions being held at Shepparton on 13 and 14 August 2008. More than 50 submissions were received.

The Minister for Planning approved Amendment C100 on 25 September 2008, which introduced the interim controls for minimum lot sizes whilst the RRLUS was being prepared.

Assessment under the Planning and Environment Act

Prior to undertaking an amendment to the planning scheme, the Council is required to seek authorisation from the Minister for Planning to prepare the amendment.

Other Options

1. Council could choose not to adopt the RRLUS.
2. Council could choose not to proceed with a planning scheme amendment.

Policy Implications

There are no conflicts with existing Council policy.

Financial Implications

The three Councils have received a grant of \$40,000 for the preparation and completion of the RRLUS from the Department of Planning and Community Development under the Rural Land Use Planning Program.

The *Planning and Environment (Fees) Regulations 2000* sets the statutory fees for the preparation, exhibition and adoption of planning scheme amendments. In this case, the Council will meet the cost of approving the amendment as it will be the proponent in this case.

The Council will also be required to meet the cost of any panel appointed to consider submissions which seek changes to, or object to the proposed amendment.

Legal/Statutory Implications

The amendment will be consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987* and will be prepared in accordance with the practice note, *Strategic Assessment Guidelines – revised August 2004*, which outlines the key strategic considerations that must be evaluated by planning authorities to comply with the requirement of *Minister's Direction No. 11*.

Consultation

Public and stakeholder consultation has been integral to the preparation of the RRLUS. The public display period of the draft RRLUS included information sessions for stakeholders and two drop-in sessions in Shepparton. Over 50 written submissions have been received.

5. MANAGEMENT REPORTS

5.1 Adoption of Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy and Authorisation to prepare Amendment C121 (continued)

The following key themes emerged from the written submissions to the draft RRLUS:

- Public engagement
- Data and information
- Rural living opportunities
- Decline in rural communities
- Flexibility
- Water.

A more detailed overview and summary is included in Attachment 1.

Further consultation is proposed as part of the planning scheme amendment process. This will include a 60-day exhibition period.

Strategic Links

a) Greater Shepparton 2030 Strategy

The Greater Shepparton 2030 Strategy identifies some major influences that will contribute to shaping the size, physical form, character and wellbeing of Greater Shepparton towards 2030.

The following outcomes are anticipated as a result of these major influences:

- Farm holdings will become larger and companies will play a more significant role in land ownership and management.
- Farming will become more sustainable and there may be an increase in small-scale organic farming.

b) Council Plan

The proposed amendment is consistent with the Council Plan 2006-2010 which identifies the following themes for economic development:

“Encourage and promote sustainable economic development which maximises the potential of our agriculture and rural land; encourage dynamic and complementary commercial activity centres; broaden our industry base and encourage tourism growth”.

Attachment

Attachment 1 – Key Themes and Summary of Submissions.

5. MANAGEMENT REPORTS

5.2 Amendment C120 – Interim Heritage Controls for Properties at 3, 5, 7, 9 and 11 Corio Avenue, Shepparton

Summary

The Council's approval is sought to make a request for a ministerial amendment to apply interim heritage controls over the properties at 3, 5, 7, 9 and 11 Corio Avenue, Shepparton.

The reason for the interim controls is that the Council's Building Surveyor has received a request to remove the existing dwelling at 7 Corio Avenue, Shepparton. However, the Council's Heritage Adviser has recommended that the dwelling be retained as it forms part of a heritage precinct within Corio Avenue.

Moved by Cr Houlihan

That the Greater Shepparton City Council request that the Minister for Planning prepare an amendment to the Greater Shepparton Planning Scheme to apply interim heritage controls over the properties at 3, 5, 7, 9 and 11 Corio Avenue, Shepparton and exempt himself under section 20(4) of the *Planning and Environment Act 1987* from the requirements of sections 17, 18 and 19 and the regulations, in respect of the amendment.

CARRIED

Applicant/Property Details

The amendment is being instigated by the Council to provide interim heritage controls over the existing dwelling at 7 Corio Avenue, Shepparton which is the subject of a building permit for removal. This dwelling forms part of a proposed precinct being investigated under the Stage IIB Heritage Study, therefore the remaining properties in the precinct at 3, 5, 9 and 11 Corio Avenue are also included in the request for interim heritage controls.

Proposal in Detail

The Council's Heritage Adviser has advised that 7 Corio Avenue is included in a potential heritage precinct. The precinct, which includes most of the houses in Corio Avenue, is being proposed as part of the Shepparton Heritage Study Stage IIB. The research for this precinct has been undertaken and it supports the inclusion of 7 Corio Avenue in the precinct.

Further advice was that

"... the removal of the dwelling be refused as the loss of 7 Corio Avenue will severely compromise the integrity and the viability of the proposed heritage precinct. This precinct is of value for its own intrinsic cultural heritage significance as well as for the significance of extant heritage precincts such as the residential precinct that includes Corio Street. Corio Avenue assists in an understanding of the development of Shepparton's residential areas during the early 20th century as well as its architectural significance".

5. MANAGEMENT REPORTS

5.2 Amendment C120 – Interim Heritage Controls for Properties at 3, 5, 7, 9 and 11 Corio Avenue, Shepparton (continued)

Background

In February 2004, Allom Lovell & Associates completed the *City of Greater Shepparton Heritage Study Stage II*. As a result of this study, interim controls were applied to the nominated properties through Amendment C49 to the Greater Shepparton Planning Scheme. Amendment C50 then provided the public notice and consultation process, including a Panel Hearing. Permanent controls were introduced with the approval of this amendment on 27 September 2007.

The study identified a number of individual properties which were worthy of further investigation to establish the nature and level of any heritage significance, and also recommended a review to identify possible precincts within the municipality.

The Council has recently received a grant from Heritage Victoria in order to undertake a further heritage study (referred to as Stage IIB). As a result, the Council's Heritage Adviser has been progressively identifying further sites which are worthy of protection through the Heritage Overlay.

Assessment under the Planning and Environment Act

Under section 12(1)(a) and (b) of the *Planning and Environment Act 1987* the Council, as the responsible authority, must implement the objectives of planning in Victoria and provide sound, strategic and coordinated planning of the use and development of land in its area.

Additionally, under section 12(3)(b), the Council must do all things necessary to encourage and promote the orderly and proper use, development and protection of land in the area for which it is a planning authority.

Under the provisions of section 20(4) of the *Planning and Environment Act 1987*, the Minister may exempt himself from public notice requirements for an amendment that he prepares if such an exemption is considered appropriate in the interests of Victoria or any part of Victoria.

It is considered that Amendment C120 meets these criteria.

Other Options

Refuse to request interim heritage controls.

Policy Implications

There are no conflicts with existing Council policy.

Financial Implications

The *Planning and Environment (Fees) Regulations 2000* sets the statutory fees for the preparation, exhibition and adoption of planning scheme amendments. In this case, the Council will meet the cost of approving the amendment as it is the proponent of the amendment.

5. MANAGEMENT REPORTS

5.2 Amendment C120 – Interim Heritage Controls for Properties at 3, 5, 7, 9 and 11 Corio Avenue, Shepparton (continued)

Legal/Statutory Implications

The amendment will be consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987* and will be prepared in accordance with the practice note, *Strategic Assessment Guidelines – revised August 2004*, which outlines the key strategic considerations that must be evaluated by planning authorities to comply with the requirement of *Minister's Direction No. 11*.

Consultation

A full public consultation process will be carried out once the heritage study has been completed.

Strategic Links

a) Greater Shepparton 2030 Strategy

The amendment is consistent with the Greater Shepparton 2030 Strategy which includes the “*recognition and protection of the municipality’s heritage in the community views and issues*”.

b) Council Plan

The amendment is consistent with the Council Plan.

c) Municipal Strategic Statement

The Municipal Strategic Statement at clause 21.06 recognises the need to protect heritage buildings and sites and includes the following specific strategies:

- Protect heritage buildings and sites so that heritage significance is not diminished or irreversibly damaged through proposed use or development.
- Encourage the retention, adaptation and renovation of significant historic buildings as works, gardens and other areas as a viable alternative to demolition.
- Ensure that any alteration or addition to identified heritage buildings and areas, or redevelopment on adjacent land, is in keeping with an identified streetscape or neighbourhood character and appearance.

It is considered that the introduction of interim heritage controls without exhibition meets the guidelines outlined in the general practice note, *Ministerial Powers of Intervention in Planning and Heritage Matters*.

In accordance with this practice note, the reasons for the requested intervention are:

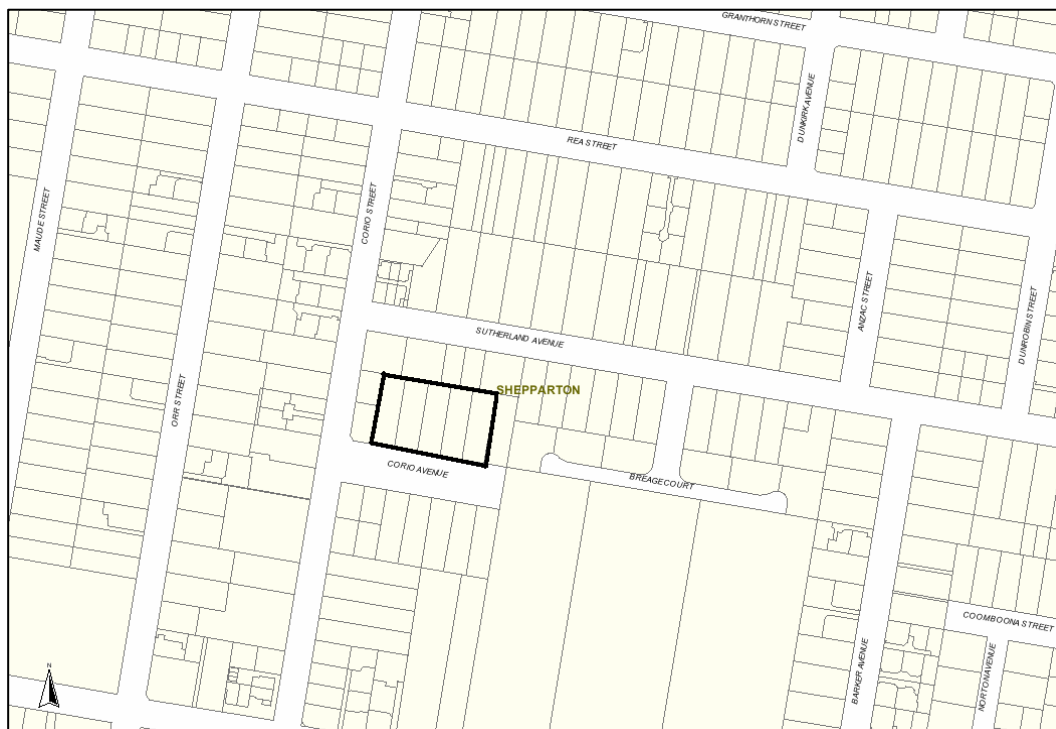
- Criterion 3 – The matter will be the introduction of an interim provision or requirement and substantially the same provisions or requirement are also subject to separate processes of review, which will result in the introduction of permanent controls in a planning scheme.
- Criterion 4 – The matter will raise issues of fairness or public interest, where there is a need for urgency and the public interest would be served by immediate action.

The interim heritage controls will ensure that the building is protected while the heritage study is being completed.

5. MANAGEMENT REPORTS

5.2 Amendment C120 – Interim Heritage Controls for Properties at 3, 5, 7, 9 and 11 Corio Avenue, Shepparton (continued)

LOCALITY PLAN – 3, 5, 7, 9, AND 11 CORIO AVENUE, SHEPPARTON



Attachments

Nil.

5. MANAGEMENT REPORTS

5.3 Adoption of Amendment C114 – Correction of Schedules to LSIO and DDO5

Cr Johnson declared a pecuniary interest in regards to item 5.3 on the agenda in that she is part owner of a property affected by the flood overlay.

Summary

Approval is sought to adopt Amendment C114. The amendment proposes to make changes to Schedule 5 to the Design and Development Overlay – Lakeside Precinct (DDO5) and the Schedule to the Land Subject to Inundation Overlay (LSIO).

Notice of the amendment has been given in accordance with the authorisation granted by the Minister for Planning on 19 August 2008. No submissions objecting to or seeking changes to the amendment have been received.

Moved by Cr Terlich

That the Council:

1. In accordance with section 29 of the *Planning and Environment Act 1987* adopt Amendment C114 to the Greater Shepparton Planning Scheme without changes.
2. In accordance with section 35A of the *Planning and Environment Act 1987* submit Amendment C114 to the Department of Planning and Community Development for certification.

Cr Johnson left the room at 1.28pm.

The motion was put and carried.

Cr Johnson returned to the room at 1.29pm.

Applicant/Property Details

The Council is the proponent of the amendment. The amendment applies to all land affected by the DDO5 and all land affected by the LSIO.

Proposal in Detail

It is proposed to make two corrections to overlay provisions within the planning scheme:

- The DDO5, to allow building setbacks on corner allotments to be varied with a permit
- The LSIO at Clause 44.04, to delete a duplicated permit exemption in Clause 1.0 of the schedule.

Following the assessment of a development proposal under the recently adopted provisions of DDO5, it was found that the setback requirements did not necessarily take into account the special conditions applicable to corner sites. As a result, this amendment proposes to make provision for a permit to be issued to vary the setbacks on corner sites so that the best planning outcome can be achieved.

5. MANAGEMENT REPORTS

5.3 Adoption of Amendment C114 – Correction of Schedules to LSIO and DDO5 (continued)

Amendment C32 to the Greater Shepparton Planning Scheme approved new schedules to the LSIO and the Floodway Overlay (FO) to include new exemptions authorised by the Goulburn Broken Catchment Management Authority (GBCMA).

Due to an oversight however, one of the dot-point provisions under Clause 1.0 which was to be replaced has been retained. This means that there are currently two dot points within the LSIO which contradict each other; one with a floor area limitation and one without. This amendment proposes to remove the redundant clause (which does not include a floor area).

Background

Authorisation to prepare the amendment was granted by the Minister for Planning on 19 August 2008.

The Minister also granted a partial exemption from the notice requirements of section 19(1)(b) of the *Planning and Environment Act 1987* (the Act). Notice was required to be given in the Shepparton News and the Tatura Guardian. Letters were also sent to the Ministers prescribed by the Act and to VicRoads and the Goulburn Broken Catchment Management Authority.

No submissions objected to or sought changes to the amendment.

Assessment under the Planning and Environment Act

Under section 12(1)(a) and (b) of the Act the Council, as the responsible authority, must implement the objectives of planning in Victoria and provide sound, strategic and coordinated planning of the use and development of land in its area.

Additionally, under section 12(3)(b) the Council must do all things necessary to encourage and promote the orderly and proper use, development and protection of land in the area for which it is the planning authority.

Under the provisions of section 22 of the Act, the Council is required to consider all submissions made on or before the date set out in the notice of the amendment.

Section 23 of the Act requires that after considering a submission which requests a change to the amendment, the planning authority must:

- Change the amendment in the manner requested
- Refer the submission to a panel appointed under Part 8, or
- Abandon the amendment or part of the amendment.

It is considered that Amendment C114 has been dealt with in accordance with the relevant statutory requirements.

Other Options

Abandon the amendment or part of the amendment, giving reasons for this.

Policy Implications

There are no conflicts with existing Council policy.

5. MANAGEMENT REPORTS

5.3 Adoption of Amendment C114 – Correction of Schedules to LSIO and DDO5 (continued)

Financial Implications

The *Planning and Environment (Fees) Regulations 2000* sets the statutory fees for the preparation, exhibition and adoption of planning scheme amendments.

In this case, the Council is the proponent of the amendment and will meet the cost of the amendment.

Legal/Statutory Implications

Notice of the amendment has been given in accordance with the partial exemption granted by the Minister for Planning.

Consultation

No consultation was required in this matter.

Strategic Links

a) Greater Shepparton 2030 Strategy

The amendment is consistent with Strategic Direction 1 of the strategy (Settlement and Housing) which seeks a “commitment to growth within a consolidated and sustainable development framework”.

b) Council Plan

The amendment is consistent with the Council Plan.

Attachments

Nil.

5. MANAGEMENT REPORTS

FROM THE OFFICE OF THE MAYOR

5.4 Appointment of Acting Chief Executive Officer

Summary

The Greater Shepparton City Council's Chief Executive Officer Mr Bob Laing has recently resigned to take up the position of Chief Executive Officer at Environment Waikato in New Zealand. Mr Laing's resignation takes effect on 14 November 2008. This date falls during the election period, prior to Council's general election to be held on 29 November 2008. Under section 93A(6) (a) of the *Local Government Act 1989* (the Act), a new Chief Executive Officer cannot be appointed during the election period and therefore, recruitment cannot commence until after the general election.

The position of Chief Executive Officer needs to be filled in the interim however and the Council is able to appoint an Acting CEO. Expressions of interest for the role of Acting CEO were sought internally and interviews conducted on 13 October 2008. As a result of this process, Mr Peter Harriott, who is currently the Director of Development and Infrastructure at the Greater Shepparton City Council, was selected as the preferred candidate for the position of Acting Chief Executive Officer.

Mr Harriott will commence in the role on Saturday 15 November 2008 and his appointment will cease on the day prior to the permanent appointment of a new Chief Executive Officer.

Moved by Cr Hazelman

That the Greater Shepparton City Council confirm the appointment of Mr Peter Harriott to the position of Acting Chief Executive Officer of the Council, for the period commencing 15 November 2008 and ceasing on the day prior to the appointment of a permanent Chief Executive Officer.

CARRIED

6. URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA

MEETING CLOSED AT 1.35PM

CONFIRMED

CHAIR