



## **Submissions to Planning Scheme Amendment C-126**

Prepared on 11/8/2021

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## PLANNING SCHEME AMENDMENT - SUBMISSIONS REPORT



SUB01	
12-Jul-2021	Comments
Requested change to boundary to align with subdivision plan and proposes alternative Statement of Significance. Ref: trim://D5754521?db=SG&view	
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> <p>9 July 2021</p> <p>Strategic Planning Team South Gippsland Shire Council Private Bag 4 LEONGATHA VIC 3953</p> <p>By email: <a href="mailto:C126@southgippsland.vic.gov.au">C126@southgippsland.vic.gov.au</a></p> <p>Dear Sir/Madam</p> <p><b>Amendment C126 to the South Gippsland Planning Scheme</b></p> <p>We act for [REDACTED] the owner of the land at 379 Lang Lang Poowong Road, Nyora (Land) which is the land affected by the Amendment C126 (Amendment).</p> <p>This letter is [REDACTED] submission to the Amendment pursuant to s21 of the <i>Planning &amp; Environment Act 1987</i>.</p> <p><b>The Land</b></p> <p>The Land is partially zoned General Residential Zone and Farming Zone.</p> <p>The Land is subject to a Development Plan Overlay – Schedule 10 (Nyora Urban Residential Growth Area – South of Glovers Road) (DPO). The DPO does not include any requirements in relation to the dwelling the subject of the proposed Amendment.</p> <p>After a lengthy period resulting in a mediated outcome at VCAT, the Development Plan was approved by Council on 15 December 2020. Planning Permit 2018/318 was issued by Council on 15 December 2020 (Permit). The Permit allows the subdivision of the Land.</p> <p>An Indicative Subdivision and Staging Plan (ISSP) was submitted to Council on 19 February 2021 under condition 1 of the Permit and has yet to be endorsed by Council.</p> <p>The planning process associated with the development of the Land has been protracted and our client is eager to ensure that the current Amendment process does not hinder the progress of the permitted development of the Land.</p> <p><b>The Amendment</b></p> <p>The Amendment proposes to introduce HO159 over a portion of the Land containing the dwelling. The area affected by the proposed overlay is approximately 1850.4 square metres.</p> <p><small>Liability limited by a scheme approved under Professional Standards Legislation. [1] S &amp; K Planning Lawyers Pty Ltd</small></p> </div> <div style="width: 50%; text-align: right;"> <p><b>S &amp; K PLANNING LAWYERS</b> ABN 27 261 987 205</p> <p>Suite 39 3 Albert Coates Lane MELBOURNE VIC 3000 AUSTRALIA</p> <p>office@skplanninglawyers.com.au www.skplanninglawyers.com.au</p> <p><b>Direct line</b> +61 428 456 131</p> <p><b>Email</b> jess@skplanninglawyers.com.au</p> <p><b>Your reference</b>      <b>Our reference</b> JK 062021025</p> </div> </div>	

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The dwelling on the Land was one of hundreds of sites identified as *potentially* suitable for heritage protection in the South Gippsland Heritage Study 2004 (**Study**).

Council sought to implement some of the recommendations of the Study via Amendment C09 in 2008. C09 was split into three parts separating out the properties to which there was no objection (which were included in Part 1 and approved). Part 2 included 24 properties but a further 8 were removed and, in the end, overlays were applied to only 16 sites and the balance of the Amendment was abandoned.

The dwelling was not included in either Part 1 or 2 of Amendment C09. To our client's knowledge, no further heritage assessments have been undertaken since 2004 and Council has not sought to introduce any other heritage controls within the municipality until now.

██████████ does not object to the introduction of the Amendment in principle, or the identification of the dwelling as having local heritage significance.

However, ██████████ does seek changes to the Amendment in the form of refinements to the extent of the curtilage of the proposed overlay and the accuracy of the statement of significance.

#### Changes requested to the Amendment

##### Extent of curtilage

██████████ does not agree with the extent of curtilage of the heritage overlay and requests the overlay be amended to provide for a smaller overlay footprint which excludes part of the driveway and part of the garden area.

This change is based on heritage advice that the landscape setting of the dwelling does not have local heritage significance and it is not necessary to include the driveway and the whole of the garden within the overlay.

██████████ requests that the heritage overlay area be amended to align with the lot boundaries proposed on the ISS-1 which has been submitted to Council for approval. An extract is shown below and the dwelling is contained within proposed lot 306.



The local heritage significance of the dwelling can be maintained while allowing for the efficient subdivision of the Land in a manner consistent with the objectives of the DPO.

[2]

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## PLANNING SCHEME AMENDMENT - SUBMISSIONS REPORT

Statement of significance

The statement of significance is proposed to be incorporated into the Planning Scheme. It is important that it contains accurate information as it will form the basis for Council's consideration for applications for a planning permit under the heritage overlay. The level of detail in the citation is lacking in terms of the history of the building, including when it was built and by whom.

██████████ also seeks amendments to the statement to remove or amend references to the driveway and landscape setting as being of local heritage significance.

██████████ is in the process of preparing an amended statement of significance and will provide this to Council for its consideration.

Our client is eager to work with Council to resolve these requested changes.

Our client reserves the right to add to or amend this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read "Jessica Kaczmarek".

Jessica Kaczmarek  
**Principal**  
**S & K Planning Lawyers**

[3]

S & K Planning Lawyers Pty Ltd

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## PLANNING SCHEME AMENDMENT - SUBMISSIONS REPORT

**S & K PLANNING LAWYERS**

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26 July 2021

Strategic Planning Team  
South Gippsland Shire Council  
Private Bag 4  
LEONGATHA VIC 3953

**Direct line**  
+61 428 456 131

**Email**  
jess@skplanninglawyers.com.au

**Your reference**      **Our reference**  
JK:062021025

By email: [C126@southgippsland.vic.gov.au](mailto:C126@southgippsland.vic.gov.au)

Dear Sir/Madam

**Amendment C126 to the South Gippsland Planning Scheme**

We act for [REDACTED]  
Road, Nyora which is the land affected by Amendment C126.

This letter is Wallis Watson's supplementary submission to the Amendment pursuant to s21 of the *Planning & Environment Act 1987* and should be read in conjunction with Wallis Watson's original submission dated 9 July 2021.

We attach a version of the statement of significance which has been prepared by Bryce Raworth & Associates which includes:

- Requested amendments to correct or remove information which is inaccurate or irrelevant; and
- Commentary on further detail which is required to be included for the statement of significance to meet the requisite standard for inclusion within the planning scheme.

As noted previously, it is important that the statement of significance contains accurate information as it will form the basis for Council's consideration for applications for a planning permit under the heritage overlay.

We would be happy to meet with Council to discuss the requested changes and to review any further work undertaken by Council's heritage advisor to address the issues raised.

Our client reserves the right to add to or amend this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read "Jessica".

Jessica Kaczmarek  
**Principal**  
**S & K Planning Lawyers**

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[1]

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## PLANNING SCHEME AMENDMENT - SUBMISSIONS REPORT

**Statement of Significance with comments by Bryce Raworth****What is significant?**

'Aroyn', the homestead at 377-379 Lang Lang-Poowong Road, Nyora, constructed in c.1939, is significant. The Art Deco Moderne Streamline-style homestead is a single storey, rendered brick building with one large chimney and an L-shaped hipped roof with projecting semi-circular bays. The hipped roof is clad in terracotta tiles and the building has a projecting quadrant portico between the front bay and main body of the house, supported by brick oval column. Other features of the property include:

- Steps to the front porch with circular balustrade newels surmounted by opal spheres
- Rendered plinth and recessed string moulds around the façade
- Horizontally divided steel frame windows
- A parapet at the front of the building
- Manganese brick highlights showing details and sculptural forms
- Attached double garage and service wing with a lower parapet
- A prominent, elevated position at the end of a long driveway, making it a local landmark

Non-original alterations and additions, other than those specified above, are not significant.

**How is it significant?**

'Aroyn', is a rare, representative example of a residential Streamlined Moderne style building and is of local aesthetic significance to the South Gippsland Shire.

**Why is it significant?**

'Aroyn' is the only known residential building in the South Gippsland Shire that is built in the Streamlined Moderne -style. (Criterion B) It clearly displays the principal characteristics of this style, including curved edges and straight lines with contrasting vertical elements. (Criterion D)

'Aroyn' has been built in a prominent, elevated position, at the end of a long drive way on the outskirts of Nyora, making it a local landmark. The curved projecting bays with manganese brick horizontal elements and vertical elements significantly contribute to the aesthetic significance of the building.. (Criterion E)

## PLANNING SCHEME AMENDMENT - SUBMISSIONS REPORT



JK Jessica Kaczmarek <jess@skplanninglawyers.com.au> Skye Radcliffe-Scott 1 Tue 12:35 PM

**RE: Planning Scheme Amendment - C-126 - Planning Scheme Amendment C124sgip - Submission Acknowledgment**

You replied to this message on 10/08/2021 1:50 PM.  
This message is part of a tracked conversation. Click here to find all related messages or to open the original flagged message.

Approval - C126sgip - Statemen~ance - Aroyn - Council Meeting (S&K edits).pdf 280 KB

Skye

Many thanks for your patience.

Please see attached version of the statement of significance showing our requested edits in mark up. The edits are made on the basis that it is not proposed to include the driveway in the heritage overlay so the inclusion of references to the driveway may be misleading when they don't relate to the heritage value of the dwelling.

If these edits are acceptable to Council, I am instructed that this will resolve our clients' concerns with the statement of significance.

Have you received the updated mapping from DELWP as yet?

Many thanks

Jess

**JESS KACZMAREK | Principal**

**S & K Planning Lawyers**  
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477 Collins Street, Melbourne VIC 3000  
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[jess@skplanninglawyers.com.au](mailto:jess@skplanninglawyers.com.au)

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## PLANNING SCHEME AMENDMENT - SUBMISSIONS REPORT



SUB02	
Department Of Environment Land Water & Planning	PO BOX 500 East Melbourne VIC 8002
28-May-2021	Support of Application
D4507921 - Council has given the Department of Environment, Land, Water and Planning (DEWLP) notice of a proposed planning scheme amendment that seeks to apply heritage controls over a dwelling. DELWP has considered the above application and does not oppose the amendment.	



**Department of Environment,  
Land, Water & Planning**

71 Hotham Street  
Traralgon Victoria 3844  
Telephone: +61 3 5172 2111  
[www.delwp.vic.gov.au](http://www.delwp.vic.gov.au)

28 May 2021

Ken Griffiths  
Acting Planning Manager  
South Gippsland Shire Council  
Private Bag 4  
LEONGATHA VIC 3953

Our ref: SP476198  
Your ref: Am C126

Dear Ken:

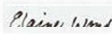
**PROPOSAL: AMENDMENT C126 TO THE SOUTH GIPPSLAND PLANNING SCHEME**  
**PROPONENT: BEVERIDGE WILLIAMS**  
**ADDRESS: 379 LANG LANG POOWONG ROAD, NYORA 3987**  
**LEGAL DESCRIPTION: LOT 12 LP148069 IN THE PARISH OF LANG LANG EAST**

Thank you for your correspondence received 26 May 2021 consistent with section 19 of the *Planning and Environment Act 1987*.

Council has given the Department of Environment, Land, Water and Planning (DEWLP) notice of a proposed planning scheme amendment that seeks to apply heritage controls over a dwelling. DELWP has considered the above application and does not oppose the amendment.

If you have any queries, or require clarification please contact [gippsland\\_planning@delwp.vic.gov.au](mailto:gippsland_planning@delwp.vic.gov.au).


Yours sincerely



**Elaine J Wood**  
Planning Approvals Program Officer  
Gippsland Region

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## PLANNING SCHEME AMENDMENT - SUBMISSIONS REPORT



SUB03	
Department Of Transport	120 Kay Street Traralgon VIC 3184
16-June-2021	Support of Application
D5036021 - Council has given the Department of Transport (DoT) notice of a proposed planning scheme amendment that seeks to apply heritage controls over a dwelling. DoT has considered the above application and does not oppose the amendment.	
<div style="text-align: center;">  <p>Department of Transport</p> </div> <div style="text-align: right; margin-top: 10px;"> <p>120 Kay Street Traralgon, VIC 3844 Australia Telephone: +61 3 5172 2319 www.transport.vic.gov.au DX 219286</p> </div> <p>Ref: BOC/21/50415</p> <p>South Gippsland Shire Council Private Bag 4 LEONGATHA VIC 3953</p> <p>To the Strategic Planning Department</p> <p><b>PSA C126 – HERITAGE OVERLAY - 379 LANG LANG POOWONG ROAD, NYORA</b></p> <p>This letter is in response to the exhibition of South Gippsland Planning Scheme Amendment C126 which seeks to amend the schedule to clause 43.01 (Heritage Overlay) and incorporate a Statement of Significance into the South Gippsland Planning Scheme for the 'Aroy' homestead at 379 Lang Lang Poowong Road, Nyora.</p> <p>The Department of Transport (incorporating VicRoads &amp; PTV) has no objection to the proposed amendment.</p> <p>Yours sincerely</p> <div style="text-align: center;">  </div> <p><b>Harvey Dinelli</b> Manager Transport Integration - Gippsland</p> <p>15 / 06 / 2021</p> <div style="text-align: right; margin-top: 20px;">  </div>	

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