

WANGARATTA RURAL CITY COUNCIL



BUSINESS PAPER FOR THE ORDINARY MEETING
OF THE WANGARATTA RURAL CITY COUNCIL, TO BE HELD
IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES,
62-68 OVENS STREET, WANGARATTA
ON **TUESDAY, 17 SEPTEMBER 2013** COMMENCING AT 7.00PM

Kelvin Spiller
ACTING CHIEF EXECUTIVE OFFICER

As at 13/09/13 8:30 AM

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1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

We acknowledge the traditional owners of the land on which we are meeting. We pay our respects to their Elders and to Elders from other communities who may be here today.

2. **OPENING PRAYER**

Almighty God, we humbly ask thee to bless and guide this council in its deliberations so that we may truly preserve the welfare of the people whom we serve. Amen

3. **PRESENT**

4. **ABSENT**

5. **ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE**

ORDER OF BUSINESS

6. **CITIZENSHIP CEREMONY**

Nil.

7. **CONFIRMATION OF MINUTES**

Recommendation:

That the Minutes of the Ordinary Meeting of 20 August 2013 and the Minutes of the Special Meeting of 29 August 2013 be taken as read and confirmed as a true and accurate record of the proceedings of the meeting.

8. **CONFLICT OF INTEREST DISCLOSURE**

9. **RECEPTION OF PETITIONS**

10. **HEARING OF DEPUTATIONS**

11. PRESENTATION OF REPORTS

11.1 COUNCILLOR'S REPORTS

Nil

11.2 OFFICER'S REPORTS

11.2.1 EXECUTIVE SERVICES

11.2.1.1 HUME REGIONAL GROWTH PLAN – ENDORSEMENT OF PLAN BY COUNCIL

Hume Regional Management Forum

42.020.007

Introduction

The Department of Transport, Planning and Local Infrastructure have completed the public exhibition/consultation process for the Hume Regional Growth Plan.

The final revised Plan has been endorsed by the Project Steering Committee and is to be considered for adoption by all councils in the region. Once considered and endorsed by councils, the plan will be submitted to the Minister for Planning for approval.

The revised Draft of the Hume Regional Growth Plan is now submitted for Council's endorsement (*refer attachment*).

Background

The Hume Regional Growth Plan is one of eight regional growth plans being developed across Victoria. Together with the Metropolitan Planning Strategy (MPS) for Melbourne, the plans will form the basis of the State Government's *Vision for Victoria*.

The Hume Regional Growth Plan project is being overseen by the Hume Regional Growth Plan Project Steering Committee (PSC), a partnership between the 12 councils in the Hume Region, the Department of Transport, Planning and Local Infrastructure and other State Departments and Agencies. All 12 councils in the Hume Region are represented on the Project Steering Committee. A project management team led by the Department of Transport, Planning and Local Infrastructure ensures the project was to be delivered to agreed timelines.

The Hume Regional Growth Plan responds to directions established in the regional strategic plan for the Hume Region (the *Hume Strategy for Sustainable Communities 2010 – 2020*) which represents regional aspirations and sets an agenda for regional development and long term strategic planning. The draft Hume RGP provides an opportunity to refine and implement the directions of the *Hume Strategy for Sustainable Communities*.

The process of developing the Hume Regional Growth Plan commenced in 2011 and included extensive stakeholder consultation and targeted community consultation.

Councils were briefed regarding the project process in November/ December 2012 and subsequently council CEO's and Mayors were briefed on the content of the Draft Hume Regional Growth Plan at a Hume Region Local Government

Network meeting in March 2013. More recently, a briefing was done for Councillors at 23 April 2013 Forum meeting followed by acknowledgment of the preparation of a Draft Hume Regional Growth Plan at 21 May 2013 Council meeting.

The meeting also noted the process that allows for public consultation prior to the final document being submitted to Council for endorsement.

A Draft of the Hume Regional Growth Plan was formally placed on public exhibition on 3 June 2013 and the exhibition closed on 12 July 2013.

Council considered the Draft Plan at its meeting on the 16th July 2013. Council requested, in its contact with the Department of Transport, Planning and Local Infrastructure, that any submission arising from consideration of the Draft Hume Regional Growth Plan at this meeting be accepted despite the closing date for written submissions.

At the meeting on the 16 July 2013 Council resolved the following:

That Council:

1. *endorses the submission containing the following points on the Draft Hume Regional Growth Plan which was circulated to Councillors and advises that Council:*
 - *will consider the land use planning framework within the Draft Hume Regional Growth Plan to guide future land use decisions for the Rural City of Wangaratta;*
 - *supports the ongoing development of the Draft Hume Regional Growth Plan to establish consistency in land use decisions;*
 - *raises concerns with the Department of Transport, Planning and Local Infrastructure that the Draft Hume Regional Growth Plan as exhibited does not identify priority actions, does not include timeframes and responsibilities for actions and does not identify a financial implementation strategy to support the Draft Hume Regional Growth Plan actions.*

Council's concerns were provided to the Department of Transport, Planning and Local Infrastructure and *Consultation and Engagement Report (refer **attachment**)* details the outcomes of consultation and engagement undertaken for the Draft Plan. This also provides a summary of submissions and responses at the broad public consultation phase of the project.

Council's submission is highlighted as **Submission 19** within the summary of consultation outcomes. The matters raised by Council have now been incorporated within the revisions to the Draft Plan. It is acknowledged that the financial delivery and implementation of the Draft Plan will be a separate process.

In reference to Council's submission alterations to *Part E Delivering Regional Growth* has been adjusted to incorporate in Section 16.3 and 16.5 of the revised Plan.

Section 16.3 states in response to Council's submission that:

Implementation of this plan is critical to achieve its strategic directions for growth and change. Short-term implementation priorities include developing a detailed implementation plan focusing on prioritising the actions identified in Table 5 and inter-agency cooperation. This plan should include a program for the implementation of actions and consider ways to coordinate and deliver priority projects, including funding options.

Section 16.5 is a new section to the Plan that identifies the implementation and timing for various key actions.

The implementation of the Hume Regional Growth Plan will be undertaken by an Advisory Committee appointed by the Minister for Planning as part of the review of the State Planning Policy Framework.

The Advisory Committee will review the role, structure and format of a revised State Planning Policy Framework that will integrate and align state planning policy, the Metropolitan Planning Strategy and Regional Growth Plans. This review aims that key strategic directions identified in the new Melbourne Metropolitan Planning Strategy and Regional Growth Plans are clearly reflected in the framework. The Committee will deliver the first report in October 2013 for the consideration of the Minister for Planning.

Implications

Council Plan Outcomes

The continued participation in the development and finalisation of the Hume Regional Growth Plan is consistent with the Strategic Activity in Section 4 of Council's Plan:

To undertake a strategic approach to land use planning to provide balanced outcomes for growth, existing land use, environment, heritage and community aspirations

Sustainability

The outcomes of the Hume Regional Growth Plan are very positive for the sustainability of:

- Local Economy;
- Local Environment; and
- Local Community

Financial

There is no impact on Council's budget. All costs in the preparation of the plan have been borne by the Department of Planning, Transport and Local Infrastructure (former Department of Planning and Community Development). Council and other agencies may use the plan to help seek future funding and investment in infrastructure or other planning which supports the directions of the plan.

Conclusion

The Department of Planning, Transport and Local Infrastructure will prepare the amendments that introduce the Hume Regional Growth Plan into planning schemes, including any consequential changes to the Local Planning and Policy Framework (LPPF) needed to give them effect, however will not include MSS reviews.

Recommendation

That Council resolves to endorse the Hume Regional Growth Plan as endorsed by the Hume Regional Growth Plan Steering Committee.

Communication

Council forwards this response to the Department of Transport, Planning and Local Infrastructure in response to the Hume Regional Growth Plan.

11.2.1.2 ENGAGEMENT OF A PYROTECHNICIAN TO PROVIDE NEW YEAR'S EVE PYROTECHNICAL DISPLAYS (FIREWORKS)

Consultant Engagement - Approval by Council

20.010.010

Introduction

This report is presented to Council for approval of engaging a pyro technician to deliver the New Year's Eve pyrotechnical displays (fireworks).

Scope of Work

The New Year's Eve Celebration is part of Council's 'Summer in the Parks' program.

The event sees a crowd of 3000 people enjoying live performances, interactive entertainment, a movie on the big screen and two fireworks displays – a child-friendly 9:15pm display, and 12:00 midnight to ring in the New Year.

The fireworks displays are an exciting element of the overall event, and are much anticipated by those attending the event, and surrounding businesses running New Year's Eve activities.

Statement of Need

Fireworks displays require specialised qualifications, skills and equipment, as well as licensing and permits.

This fireworks component of the New Year's Eve Celebration is part of the 'Summer in the Parks' project budget allocation.

Conclusion

Approval is sought to engage a pyro technician to provide and deliver the New Year's Eve fireworks displays for 2013, in accordance with Council's Procurement Policy.

Recommendation

That Council resolves to approve the engagement of a pyro technician for provision and delivery of the New Year's Eve fireworks displays for 2013, in accordance with Council's Procurement Policy.

11.2.1.3 SPECIAL COMMITTEES OF COUNCIL – COMMITTEE MEMBERSHIP APPOINTMENTS

Council Committees

10.020.008

Introduction

Further to report 11.2.3.1 – Special Committees of Council – Committee membership Appointments presented at Councils 16 July meeting, further committee nominations have been received. This report is to seek Council's endorsement of nominations for the Rural City of Wangaratta Section 86 Special Committees.

Background

The *Local Government Act 1989* requires councils to review any delegations to special committees within the period of 12 months after a general election; and to also review any exemptions in force under subsection (2A) within this period.

1.

2. Council adopted a new policy and procedure for the 'Appointment to Council Committees' at its meeting on 19 February 2013. This enabled the existing Instruments of Delegations and Charters for Council's Special Committees to be reviewed-which were then signed and sealed by Council at the Ordinary Meeting on 16 April 2013.

All Special Committee Charters were amended to reflect the new appointment procedure and better align with the requirements of the Local Government Act.

Issues

Council called on interested individuals in the community to nominate as a representative of a Special Committee. The initial nominations for Special Committees membership opened on 17 April 2013 and closed on 17 May 2013.

Further nominations for a number of Special 86 Committees have been received after the closing date and the report submitted to the 16 July Council meeting.

Some Committees have received fewer than the stipulated number of nominations for community representatives and user groups. Council officers have continued to work with these groups to determine whether further recruitment is required. Although each Special Committee Charter indicates an ideal number of members, historically these numbers have fluctuated and some Committees have been successfully operating with a small number of members.

This report addresses nominations received after 16 July 2013. As further Special Committee nominations are received these will be provided to Council for endorsement in a future report(s).

Implications

Council Plan Outcomes

The Special Committees of Council are responsible for the management, promotion and maintenance of the facilities under their control.

These responsibilities are consistent with the *Rural City of Wangaratta Council Plan 2013-2017* Objective 4.1 'To plan for and provide infrastructure appropriate to the community's needs'.

Policies

The *Appointment to Council Committees Policy* directly relates to this matter.

Council must make formal appointments to Section 86 Special Committees as required under the *Local Government Act 1989*.

Sustainability

The responsibilities delegated to the Special Committees promote the exchange of information between the Committee and Council. Closer links between Council and Section 86 Committees of Council create greater awareness of the needs of the community and of the facilities managed on Council's behalf. Promotion of the facility by the Committee facilitates increased community use.

Committees of Management are responsible for the day to day management of any environmental issues relating to the land upon which their facilities are situated.

Community Engagement

Subsequent to the initial correspondence and advertisements calling for nominations, Council officers have been working closely with Special Committees to formalise membership and increase participation of committee members and user group representation where appropriate.

Conclusion

As a consequence of these committee nominations, six additional recommendations are proposed. Further community and user group nominations received following this process will be addressed in a future council report.

Recommendation

That Council:

- 1. Appoint the following persons as members of the Carboor Soldiers Memorial Hall and Recreation Reserve Special Committee for a period of one (1) year from 1 August 2013 to the 31 July 2014:***

***Community Representatives - A. Box,
H. Bussell;***

2. **Appoint the following persons as members of the Milawa Public Hall and Park Special Committee for a period of two (2) years from 1 August 2013 to the 31 July 2015:**

**Community Representatives - K. Chambers,
J. Little;**

3. **Appoint the following persons as members of the North Wangaratta Sports Reserve Special Committee for a period of two (2) years from 1 August 2013 to the 31 July 2015:**

Community Representatives - B. Nolan;

4. **Appoint the following persons as members of the Old Murrumgee Hall Special Committee for a period of two (2) years from 1 August 2013 to the 31 July 2015:**

**Community Representatives - D. Anderson,
G. Anderson,
J. Bradford,
B. Rae,
D. Rae,
M. Rae,
C. Sonnemann,
B. Witherow,
J. Witherow,
N. Witherow;**

5. **Appoint the following persons as members of the Wangaratta Showgrounds Special Committee for a period of three years from 1 August 2013 to the 31 July 2016:**

Wangaratta Umpires Board Inc - S. Downie;

6. **Appoint the following persons as members of the Whitfield Recreation Reserve Special Committee for a period of three years from 1 August 2013 to the 31 July 2016:**

King Valley United Football Club - B. Uebergang;

Communication

All nominees will be notified of the outcome of the appointment process by letter.

Each Section 86 Special Committee will receive a letter advising of Council's decision.

Newly appointed members will receive information regarding the responsibilities related to being a Section 86 Special Committee Member.

11.2.1.4 TOURISM SPECIAL EVENTS FUNDING PROGRAM 2013/2014

Tourism Special Events Funding Program

25.040.032

Introduction

This report aims to provide a summary of the 2013/2014 Special Events Funding Program submissions received and to assist Council in making a decision on the allocation of funds based on the eligibility criteria.

Background

The objective of the Special Event Funding Program is to:

- maximise the economic and community benefits;
- provide significant branding and marketing opportunities for the region;
- substantially build the profile of the events to attract visitors from outside the Rural City of Wangaratta; and
- promote the tourism product strengths of the Rural City of Wangaratta.

These Special Events are significant in terms of branding and marketing opportunities for the region and are reflective of the Rural City of Wangaratta's identified tourism product strengths:

- Cycling;
- Food/Wine/Beer;
- Nature, Outdoor and Adventure; and
- Culture & Heritage:
 - Ned Kelly (Specific brand strengths)
 - Jazz (Specific brand strengths)

Grants are available for up to \$5,000 from the total annual allocation of \$37,000. The first round of funding closed on 1 August 2013 with a second round subject to available funding to be completed in February 2014.

Issues

The program applications have been reviewed by Council officers and funding allocation recommendations made in line with the Council Plan objective for tourism, the Tourism and Economic Development Strategic Plan key directions and the grant program assessment criteria.

A summary of the Tourism Special Events Funding applications and suggested funding allocations has been attached.

Implications

Council has an allocation of \$37,000 ex GST to fund the program in 2013/2014. The recommended grants total \$34,500 leaving \$2,500 for a second round in February 2014.

Conclusion

The attached funding applications have met the necessary required criteria and have been scored in accordance with the criteria and weighting system. The level of funding recommended by Council officers has been determined based on this scoring system.

Recommendation

That Council endorse the Officers recommendation of funding allocations within the 2013/2014 Special Events Funding Program for the event applications as outlined in the attached spreadsheet.

11.2.1.5 TOURISM VISITOR ATTRACTION EVENTS FUNDING PROGRAM

Tourism Visitor Attraction Events Funding Program

File No 25.040.032

Introduction

This report aims to provide a summary of the 2013/2014 Tourism Visitor Attraction Funding Program submissions received and to assist Council in making a decision on the allocation of funds based on the eligibility criteria.

Background

Visitor Attraction events are generally annual events held throughout the Rural City of Wangaratta which provide significant economic impact, community and tourism significance for their region, but may not be recognised at a state level. They are complementary to the Rural City of Wangaratta's strategic direction and are able to attract, or are likely to attract in the future, intrastate and interstate visitors.

The objective of the Visitor Attraction Event Funding Program is to:

- maximise the economic and community benefits;
- substantially build the profile of the events to attract visitors from outside the Rural City of Wangaratta; and
- compliment the strategic direction of the Rural City of Wangaratta.

Grants are available for up to \$2,500 from the total annual allocation of \$10,000. The first round of funding closed on 1 August 2013 with a second round subject to available funding to be completed in February 2014.

Issues

The program applications have been reviewed by Council officers and funding allocation recommendations made in line with the Council Plan objective for tourism, the Tourism and Economic Development Strategic Plan key directions and the grant program assessment criteria.

A summary of the Tourism Visitor Attraction Event Funding applications and suggested funding allocations has been attached.

Implications

Council has an allocation of \$10,000 to fund the program in 2013/2014. The recommended grants total \$8,720 leaving \$1,280 for a second round in February 2014.

Conclusion

The report provides an outline of submissions received for the Tourism Visitor Attraction Event Funding Program for Council's determination and final allocation of funds at the Council Meeting on September 17, 2013.

The attached funding applications have been scored in accordance with the criteria and weighting system. The level of funding recommended by Council officers has been determined based on this scoring system.

Recommendation

That Council endorse the Officers recommendation of funding allocations within the 2013/2014 Visitor Attraction Funding Program for the event applications as outlined in the attached spreadsheet.

11.2.2 SUSTAINABILITY

11.2.2.1 2012/2013 REVALUATION OF NON-CURRENT ASSETS, FINANCIAL REPORT, STANDARD STATEMENTS AND PERFORMANCE STATEMENT

Annual Audit

51.020.001

Introduction

A Council must, in respect of each financial year, prepare an annual report containing:

- a report of its operations during the financial year;
- an audited performance statement;
- an audited financial report; and
- audited standard statements

Background

The financial report and standard statements in the annual report must:

- be prepared in the prescribed manner and form;
- be submitted in their finalised form to the auditor for auditing as soon as possible after the end of the financial year; and
- be certified in the manner prescribed.

The standard statements in the annual report must show any variations from the standard statements in Council's original budget and, if the variation is material, explain the reason for the variation.

In accordance with section 131 of the *Local Government Act 1989* (the Act), Council must include in its annual report details on the achievement of the performance targets and measures (key performance indicators) as outlined in Council's annual budget.

The performance statement (***refer attachment***) is required to be audited and must:

- outline the performance targets and measures set out in relation to the achievement of the business plan in respect of the year described in the Council Plan;
- describe the extent to which the business plan was met in that year having regard to those targets and measures; and

- if the statement shows that Council has failed to substantially achieve the targets set out in the business plan, Council must ensure that a copy of the statement submitted to the Minister is accompanied by a written explanation of why Council failed to achieve those targets.

The annual report must be submitted to the Minister within three (3) months of the end of each financial year (by 30 September) or such longer period as the Minister may permit in a particular case.

After the annual report has been submitted to the Minister, the Council must give public notice that the annual report has been prepared and can be inspected at the Council office.

After it has received a copy of the report of the Auditor under section 9A of the *Audit Act 1994*, a Council must:

- give public notice that it has received the copy and that the copy can be inspected at the Council office; and
- ensure that the copy is available for public inspection at any time that the Council office is open to the public.

A Council must hold a meeting to discuss its annual report once each year. The meeting:

- must be held as soon as practicable (but within the time required by the Regulations) after the Council has sent the reports to the Minister;
- must be advertised at least 14 days before it is held stating the purpose of the meeting and the place from which copies of the annual report can be obtained before the meeting; and
- must be kept open to the public while the annual report is discussed.

The following table summarises the 2013 annual report timetable:

Date	Who	Activity
23-24 August	Richmond, Sinnott Delahunty (external auditor)	External audit conducted
28 August	Audit Committee Advisory	Endorse financial and performance statements in consultation with external auditor
17 September	Council	<ul style="list-style-type: none"> • Approve financial and performance statements in principle pending sanction by the Victorian Auditor General • Authorise two councillors to sign certification of financial and performance statements
23 September	Victorian Auditor General	Expresses opinion on financial and performance statements
25 September	Appointed signatories	Certify statements

Date	Who	Activity
30 September	Responsible officer	Annual report submitted to Minister
October	Council	Annual report available for public inspection

Issues

The draft consolidated standard statements and financial report of the Rural City of Wangaratta for the period 1 July 2012 to 30 June 2013 have now been prepared in accordance with the Australian Accounting Standards (**refer attachments**).

The following notable points are highlighted from the draft 2012/2013 financial statements:

Background

Transition to the Fair Value Basis

Australian Accounting Standards Board pronouncement, AASB 116 - 'Property, Plant and Equipment', Clause 29 requires that an entity shall choose either the cost model or the revaluation model as its accounting policy and shall apply that policy to an entire class of property, plant and equipment.

Further, Clause 31 provides that "After recognition as an asset, an item of property, plant and equipment whose fair value can be measured reliably shall be carried at a re-valued amount, being its fair value at the date of the revaluation less any subsequent accumulated depreciation and subsequent accumulated impairment losses. Revaluations shall be made with sufficient regularity to ensure that the carrying amount does not differ materially from that which would be determined using fair value at the reporting date".

Issues

Council officers have given consideration to the values of all non-current assets carried at fair value and determined that the carrying amount of Land, Land improvements, Sealed Roads, Gravel Roads, Kerbing, Footpaths, Bike paths, Bridges, Drainage and Buildings, be re-valued in order to reflect market movements since the last revaluation at 30 June 2012.

Consultation

Council engages an independent contractor to undertake a condition survey of its entire road network on a three year cyclic program. These surveys provide an accurate assessment of asset lives and condition.

Advice has also been sought and received from Richmond, Sinnott & Delahunty, Council's external audit contractor and reliance placed on AASB 116 'Property, Plant and Equipment'

The revaluation of property and infrastructure assets resulted in increases (decreases) to the following Asset Revaluation Reserves:

	2013 \$'000	2012 \$'000
Land	(2,358)	-
Land Improvements	114	-
Buildings	(261)	-
Sealed Roads & Substructure	(710)	6,027
Gravel Roads and Substructure	209	1,337
Bridges	(175)	1,419
Kerbing	(47)	281
Drainage	3,401	-
Footpaths	(56)	168
Bike paths	(1,053)	319
Total increase in revaluation reserve	(936)	9,551

FINANCIAL STATEMENTS:

A summary of financial comparisons between 2012 and 2013 follows:

Financial item	Note	2013 \$'000	2012 \$'000	Increase/ (decrease)
Surplus/(deficit)		2,637	950	1,687
Grant Income	7	19,007	20,563	(1,556)
Depreciation	14	10,901	10,750	151
Cash and cash equivalents	19	15,659	16,413	(753)
Total Receivables	20	6,600	5,729	871
Trade and other payables	26	8,114	5,956	2,158
Borrowings	29	7,822	8,603	(781)
Working Capital Ratio	44	148.93%	167.09%	(18.16%)

STANDARD STATEMENTS:

The standard statements compare actual results to the adopted budget for the 2012/2013 financial year. Variances greater than 10% and \$200,000 are explained in notes to the standard statements.

Budgeted operating surplus was \$4.1M compared to Actual of \$2.3M. This is largely due to the reimbursements for flood restoration expenditure being paid in advance in the 2011/12 financial year.

Approval In-Principle

In accordance with Section 131(7) of the Act, the Council must not submit the standard statements, the financial report or the performance statement to its Auditor or the Minister unless it has passed a resolution giving its approval “in-principle” to the standard statements and the financial report.

Certification

In accordance with Section 131(8) of the Act, the Council must authorise two (2) Councillors to certify the standard statements, the financial report and the performance statement in their final form after any changes recommended, or agreed to, by the auditor have been made.

For the purposes of Section 131(3) of the Act, the Chief Executive Officer, Principle Accounting Officer and two (2) Councillors must certify the standard statements and financial report contained in the annual report in the required form.

Ms Ruth Kneebone, Manager – Finance is the Council's duly appointed Principal Accounting Officer.

It will be necessary for the Council to designate two (2) Councillors to certify the financial report and performance statement.

Consultation

Extensive consultation has been undertaken with Richmond, Sinnot & Delahunty, Agent of the Auditor-General, during the preparation of the Standard Statements and Financial Statements.

In addition, the draft financial reports and performance statement have been considered and endorsed by the Audit Advisory Committee at its meeting on 28 August 2013

Implications

Council Plan Outcomes

Council's objective is to ensure that its plans and budgets are both responsible and sustainable.

The performance statement details the achievement of Council against specific criteria and objectives for the 2012/2013 financial year.

Community Outcomes

The production of the financial report and performance statement is a critical component in the management of Council's operations to ensure accountability and public disclosure in the delivery of services and programs to residents of the municipality.

Sustainability

Council's financial position

The financial report details the consolidated financial results of Council's operations, balance sheet and cashflows for the 2012/2013 financial year.

Council's Workplace

The financial report and standard statements detail the financial resources necessary for the organisational arrangements of Council.

Recommendation

That Council resolves to:

- 1. approve 'in-principle' the draft standard statements, financial report and performance statement of the Rural City of Wangaratta for the 2012/2013 financial year as endorsed by the Audit Advisory Committee on 28 August 2013;**
- 2. note Council officers' action to review values of assets held at fair value as at 30 June 2013 is in accordance with AASB 116 Property, Plant and Equipment. This action has resulted in a decrease in infrastructure asset valuations of \$936,000 at 30 June 2013; and**
- 3. authorise, pursuant to Section 131(8) and 132(7) of The Local Government Act 1989, the Councillor representatives on the Audit Advisory Committee, being Cr Parisotto, Mayor and Cr O'Brien, to certify the 2012/13 standard statements, financial statements and performance statements in their final form after any changes recommended or agreed to by the Auditor have been made**

Communication

Public notification on the availability of the audited standard statements, financial report and performance statement will be given in the local media.

11.2.2.2 DRAFT RURAL CITY OF WANGARATTA POPULATION AND HOUSING STRATEGY

Draft Rural City of Wangaratta Population and Housing Strategy

30.073.050/30.013.01032

Introduction

This report provides a background to the preparation of the Draft Rural City of Wangaratta Population and Housing Strategy and seeks Council's endorsement of the Draft Strategy for public exhibition.

Background

The Rural City of Wangaratta 2030 Community Vision identifies as one of the key steps forward to achieving the Vision to:

“establish a detailed population and growth plan for the Rural City of Wangaratta”

The delivery of a Population and Housing Strategy was subsequently funded through Council's Plan as a major project in the strategic planning program.

Council subsequently engaged Aurecon in October/November 2012 to commence the preparation of the Draft Strategy which is to be completed in three (3) stages.

A presentation to the Council Forum was made on the 27 August 2013 by Aurecon, consultants engaged to assist Council. The presentation provided Council with an overview of the key findings of the Draft Strategy.

Issues

The Draft Strategy aims to address housing and population issues facing the Rural City in the next 10 to 20 years. This Draft Strategy sits within the current regional planning framework outlined in the recently exhibited Draft Hume Regional Growth Plan and is consistent with the recommendations of that Draft Plan (***refer attachment 1***).

The Draft Strategy is a key component of Council's local land use planning as it will inform the community on the strategic directions for future residential growth within the Rural City of Wangaratta. The Draft Strategy is a critical part of the overall planning for the City as it sets the essential strategic framework for:

- review and implementation of the reformed residential zones;
- planning for new residential land releases in Wangaratta and the Wangaratta Central Activity Area (CAA);
- developing Structure Plans for new residential areas;
- supporting the South Wangaratta Urban Renewal Strategy; and
- developing Structure Plans for Glenrowan, Milawa and Oxley townships in the Rural City.

The Draft Strategy also acknowledges Council's decision to review the Rural Land Use Strategy as part of the wider planning for the future of rural areas.

Implications

Without a Draft Strategy in place justifying or supporting a range of land use planning changes, amendments and rezoning will continue to be delayed and without an agreed strategy may not proceed.

There is considerable interest in the findings of this strategy particularly in relation to the development of new residential land areas as well as the future planned growth of townships where new reticulated sewerage is now being made available.

Further work is still required to ensure that growth and development occurs in a logical and planned way and the servicing of any new growth areas also is timely and economic.

Council Plan Outcomes

The Draft Strategy will commence the implementation of Section 5.1.1.1. of the Council Plan that identifies that Council will:

Develop and pursue an overall housing/population strategy which takes into account: appropriate zoning; density and service provision to accommodate population growth within Wangaratta and surrounding townships; and structure plans.

Sustainability

The outcomes of the draft strategy are very positive for the sustainability of:

- Local Economy
- Local Environment
- Local Community

Community Engagement

This report seeks to publicly exhibit the Draft Strategy for wider community comment.

Conclusion

As a consequence of all of the above the Draft Strategy is ready to be placed on public exhibition for wider community comment and engagement.

Recommendation:

That Council resolves to:

- 1. endorse the Draft Rural City of Wangaratta Population and Housing Strategy;***
- 2. determine that the Draft Rural City of Wangaratta Population and Housing Strategy is no longer confidential;***
- 3. authorise the CEO to undertake to exhibit the Draft Strategy for public comment for a period of 30 days; and***
- 4. ensure that, following public exhibition, a report outlining details of the submissions received is presented to Council for further consideration of the Draft Strategy.***

11.2.2.3 PROPOSED PLANNING SCHEME AMENDMENT C53 – NEW RESIDENTIAL ZONES

Planning Scheme Amendment C53 – New Residential Zones

Introduction

The purpose of this report is to seek Council resolution to commence the preparation of the required Amendment to the Wangaratta Planning Scheme to give effect to the new residential zones. The details of that Amendment will be presented to Council prior to seeking authorisation from the Minister for Planning.

Background

The Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone were introduced into the Victoria Planning Provisions by Amendment V8, gazetted on 1 July 2013. The existing Low Density Residential, Mixed Use and Township Zones, amended to align with the features of the new residential zones, were introduced by Amendment VC100, gazetted on 15 July 2013.

The existing Residential 1 Zone, Residential 2 Zone and Residential 3 Zone are to be replaced by the three new residential zones. The Minister for Planning has given councils 12 months from 1 July 2013 to introduce the new residential zones into their local planning schemes. Where Council has not finalised an amendment to implement the new residential zones by 1 July 2014, the General Residential Zone will be implemented to replace all land zoned Residential 1, 2 and 3.

Relevant Strategic Planning Projects

The Population and Housing Strategy work undertaken on the Wangaratta Central Activities Area (CAA); the review of the Urban Heritage Precincts through the Heritage Study; and principles and criteria developed for new residential zoning by the Department of Transport, Planning and Local Infrastructure will assist to inform this Amendment.

Implications

Council Plan Outcomes

This exercise is relevant to the Council Plan in terms of undertaking a strategic approach to land use planning. A key value of aiming to provide the highest standard in everything we do is also being demonstrated.

Community Outcomes

The amendment would facilitate the correct zoning for residential areas thus ensuring the appropriate residential development for individual land owners and the larger community.

Financial Impact

Undertaking a Planning Scheme amendment for the purpose of introducing the new residential zones will have some resource and financial impact on other key projects. Diversion of resources to this task would be within manageable limits.

Recommendation:

That Council resolves to:

- 1. prepare the amendment (Draft Amendment C53) to the Wangaratta Planning Scheme to give effect to the new Residential Zones in accordance with the Minister's Direction; and*
- 2. present Draft Amendment C53 to Council for consideration prior to seeking authorisation of the Minister for Planning.*

Communication

A formal briefing with the Regional Manager of the Department of Transport, Planning and Local Infrastructure be held during preparation of the Draft Amendment.

11.2.2.4 WANGARATTA PLANNING SCHEME AMENDMENT C43 (RURAL PLACES)

C43 – Wangaratta Rural Heritage Overlay

0853

Introduction

The purpose of this report is to outline the exhibition process and present to Council the outcomes of the exhibition and consultation on the Heritage Study Review and preliminary Draft Amendment C43 to the Wangaratta Planning Scheme.

Background

In 2004 Council undertook a Thematic Heritage Study which assessed heritage significance across the municipal area. That study identified a total of 400 places that were regarded as having either local or State heritage significance.

The 2004 Heritage Study listed 203 individual properties located across rural areas and townships that are not currently included in the Heritage Overlay.

An audit was undertaken in 2009 of this initial list to ascertain if any of the places identified in the 2004 Heritage Study had since been removed. The results showed that 7 buildings/structures have been demolished.

A more detailed review of the remaining 196 properties was then undertaken with Council's Heritage Advisor to rank the sites as high, medium or low priority. The ranking was based on the level of importance for each building/structure and any known threats such as neglect. 26 properties were determined to be of the highest significance / priority and are included in this current project.

A heritage consultant firm CONTEXT was then engaged by Council in 2011 to review the heritage values and/or condition of these 26 rural places. This work included complete revision of the heritage inventory sheets to facilitate entry of data into the Heritage Victoria - Heritage Management Electronic System (HERMES) database.

In reviewing the significance of places and precincts the information in the 2004 Heritage Study was relied upon. Additional research was carried out where required.

Council's Heritage Advisor was also consulted as part of the project and was able to provide additional information to assist the consultants, as necessary.

The draft report was subsequently reviewed by Council officers as well as Councils' Heritage advisor and the final draft of the report was then provided to Councillors in November 2011.

It should be noted that the work of CONTEXT was carried out to meet Council's obligations under the Planning and Environment Act 1987 which identifies in the objectives of planning in Victoria the need "to conserve and enhance those

buildings, areas and other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value”. [Section 4(1)(d)].

It is also state planning policy that “Planning and responsible authorities should identify, conserve and protect places of natural or cultural value from inappropriate development.” [Clause 15.11-2 – State Planning Policy Framework].

The Department of Transport, Planning and Local Infrastructure (formerly DPCD) has provided funding to assist Council for preparing documentation for undertaking this amendment.

Current Situation

A report was presented to Council at its Ordinary meeting 22 January 2013 recommending that Council undertake public exhibition of the CONTEXT study and preliminary documentation supporting an amendment to the Heritage Overlay of the Wangaratta Planning Scheme.

Council has previously indicated that the Hurdle Creek Homestead was not to be included in the proposed Planning Scheme amendment.

Attached to this report is the preliminary draft listing of the 25 remaining items which was publicly exhibited (***refer attachment***).

At this meeting Council resolved to place the CONTEXT study and indicative draft amendment on public exhibition until the 22 February 2013.

The following documents were exhibited as part of this amendment:

- Heritage consultant firm CONTEXT report titled “Rural City of Wangaratta Heritage Study Review (Part 1) and Urban Precincts 2011 Volume 2: Rural Places” (November 2011).
- Draft Explanatory Reports for Draft Amendments 43 (***refer attachment***);
- Draft Schedule to the Heritage Overlay (***refer attachment***); and
- Draft Amendment 43 (Rural) Local Planning Policy amendments (***refer attachment***).

Issues

Exhibition Process

Following Council resolution at its Ordinary Meeting on 22 January 2013, the indicative amendment to the Wangaratta Planning Scheme was exhibited for public comment until the 22 February 2013.

All rural landowners identified by the Study Review were notified of the public exhibition period and provided with information relating to the Study Review.

At its Ordinary Meeting on 19 February 2013, Council further resolved to extend the public exhibition period for a month. The extended exhibition period closed on Monday 25 March 2013.

Written Submissions

During the full exhibition period of the Study Review a total of 21 counter or telephone enquiries were received from landowners in respect of Rural Places.

Nine (9) submissions have been made in response to the Rural Places component of the Study Review (***refer attachment***).

A summary of all submissions received to the exhibition of the Study Review for Rural Places and responses to those submissions are included in an attachment to this report (***refer attachment***).

Response to Submissions

In responding to the submissions Council is required to consider the issues raised within each submission.

In respect to those submissions that seek to be excluded from the Study and future listing under the Planning Scheme there are a number of issues that affect Council's consideration of those requests including, but not limited to the following:

- While there can remain debate about the particular significance of a building Council would need to be cautious about finding that the particular building is of no significance given the research completed in 2004 and subsequently in 2011;
- The value and significance of a heritage building is a matter of fact, like the area of the lot and the colour of the paintwork of the item. However where the heritage value has been ascribed to a building the procedure for amending the Planning Scheme must ensure that this has been verified. The work undertaken for Council over the past 10 years provides a high degree of certainty;
- The Draft Study prepared in 2011 reviewed the levels of significance and also whether the items were of local or state importance;
- The consultation has identified the concerns of “absolute preservation” of everything heritage. This approach is in practice self-defeating and can be counter-productive, from a heritage point of view. If an item or building cannot be used for its original purpose and cannot be used for any other purpose without some alterations, it is likely to be neglected and may ultimately fall into ruin;
- The definition of conservation under the Victorian Heritage Act includes “*any...sustainable use of a place*”. This means that while planning permits may be required for work associated with these items there has to be a degree of practical compromise. Where retention of the heritage item without change is not a practical possibility, and where no change would ultimately lead to loss of that item, then such an assessment needs to be made; and
- The operation of the Heritage Overlay is a further requirement that Council ‘must consider’ in the range of matters under Section 60 of the Planning &

Environment Act 1987. The considerations under Section 60 are in fact the first purposes of Clause 43.01 under the Planning Scheme to implement the State Policy Planning Framework and the Local Planning Policy Framework, including the MSS.

Recommendations addressing each submission are included in an attachment to this report (***refer attachment***).

It is recommended that Council endorse the updating of the Study Review report in the light of feedback received during the exhibition process prior to seeking Minister's authorisation. The updating of the report has been completed by CONTEXT.

Council Plan Outcomes

The Council Plan contains an action *'to implement the process to amend the Planning Scheme to incorporate a Heritage Overlay for rural areas'*.

Sustainability

The protection of the cultural heritage of the City is consistent with sustainable development.

Local Community

The protection of Council's heritage assets provides a local identity and a historical connection to community foundations.

Community Engagement

Individual land holders have been consulted for rural heritage sites. The members of Council's Arts, Culture and Heritage Advisory Committee were consulted prior to the preparation of the CONTEXT report.

Conclusion

There has been an extensive body of work that has been undertaken in relation to Heritage Conservation within the rural areas of the City.

The extended exhibition and consultation period has closed and Council's agreement is now sought to commence the Planning Scheme amendment process by seeking authorisation from the Minister for Planning.

Recommendation:

That Council resolves to authorise the Chief Executive Officer to:

- a) prepare Draft Amendment C43 incorporating recommended changes in response to submissions received;***
- b) seek the Minister's authorisation to prepare and exhibit Draft Amendment C43 to the Wangaratta Planning Scheme;***
- c) endorse the recommendations of the revised report titled 'Rural City of Wangaratta Heritage Study Review (Part 1) Volume 2: Rural Places' (dated 17 May 2013);***
- d) update the Draft Study as well as minor amendments or changes to the Draft Amendment with the Minister as required; and***
- e) advise all those persons who made written submission regarding rural places of Council's decision.***

Communication

The submitters will be informed of Council's decision and that they will have another opportunity to make a submission to the formal process.

11.2.2.5 WANGARATTA PLANNING SCHEME AMENDMENT C44 (URBAN PRECINCTS)

C44 – Wangaratta Urban Heritage Overlay

01217

Introduction

The purpose of this report is to outline the exhibition process and present to Council the outcomes of the exhibition and consultation on the Heritage Study Review and preliminary Draft Amendment C44 to the Wangaratta Planning Scheme.

Background

There are currently 17 precincts in urban Wangaratta that are included in the schedule to the Heritage Overlay.

The use of the overlay on a day to day basis over the past few years has revealed that the precincts in Wangaratta were mapped in a blanket fashion to comply with legislative requirements at the time and this included buildings that have little significance to the respective precinct.

This means that Planning Permits are required for changes to existing buildings that are not significant enough to warrant particular attention to heritage principles.

As part of the review of the 2004 Heritage Study, the heritage consultants (CONTEXT) were also tasked with reviewing the original boundaries and extent of these existing Urban Precincts and to advise Council on any necessary changes to these precincts.

In reviewing the significance of places and precincts the information in the 2004 Heritage Study was relied upon. Additional research was carried out where required. All precincts were inspected and re-surveyed. Council's Heritage Advisor was also consulted as part of the project and provided additional information to assist the consultants.

The draft report was subsequently reviewed by council officers as well as the Heritage Advisor and the final draft of the report was then provided to Council in November 2011.

The consultant recommendations include:

- identification of the precincts that should be deleted or added to the Heritage Overlay in the Wangaratta Planning Scheme. A total of 151 properties are to be removed from the existing Urban Precincts and an additional 11 properties are to be included in the new Urban Precinct boundaries;
- modifications to existing HO's boundaries over precincts; and

- introduction of Planning Permit exemptions to provide clarity as to the type and scale of development that should trigger the need for a Planning Permit.

Draft Amendment C44 will only focus on the Precinct Recommendations. While there are also recommendations in respect of a number of urban places of individual significance that fall outside of the precinct boundary amendments, these will be the subject of a further Planning Scheme Amendment to be presented to Council at a later date.

Precinct citations have also been updated in HERMES to reflect the findings of the Precinct Review.

It should be noted that the work of CONTEXT was carried out to meet Council's obligations under the Planning and Environment Act 1987 which identifies in the objectives of planning in Victoria the need "to conserve and enhance those buildings, areas and other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value". [Section 4(1)(d)].

It is also State Planning policy that "Planning and responsible authorities should identify, conserve and protect places of natural or cultural value from inappropriate development." [Clause 15.11-2 – State Planning Policy Framework].

The Department of Transport, Planning and Local Infrastructure (formerly DPCD) has provided funding to assist Council for preparing documentation for undertaking this amendment.

Current Situation

A report was presented to Council at its Ordinary meeting on 22 January 2013 recommending that Council undertake public exhibition of documentation supporting an amendment to the Heritage Overlay of the Wangaratta Planning Scheme.

At this meeting Council resolved to place the indicative draft amendment on public exhibition until the 22 February 2013.

The following documents were exhibited as part of this amendment:

- Heritage consultant firm CONTEXT report titled "Rural City of Wangaratta Heritage Study Review (Part 1) and Urban Precincts 2011 Volume 2: Rural Places" (November 2011);
- Draft Explanatory Reports for Draft Amendments 44 (*refer attachment*); and
- Draft Schedule to the Heritage Overlay (*refer attachment*).

Issues

Exhibition process

Following Council resolution at its Ordinary Meeting on 22 January 2013, the indicative amendment to the Wangaratta Planning Scheme was exhibited for public comment until the 22 February 2013.

All landowners within the Urban Precincts identified by the Study Review were notified of the public exhibition period and provided with information relating to the Study Review.

At its Ordinary Meeting on 19 February 2013, Council further resolved to extend the public exhibition period for a month. The extended exhibition period closed on Monday 25 March 2013.

Written Submissions

During the full exhibition period of the Study Review a total of 120 counter or telephone enquiries were received from landowners in respect of the proposed Urban Precincts.

Ten submissions have been made in response to the Urban Precincts component of the Study Review (***refer attachment***).

A summary of all submission received to the exhibition of the Study Review for Urban Precincts and responses to those submissions are included in an attachment to this report (***refer attachment***).

Response to Submissions

The submissions raise a number of concerns regarding either being included in the Urban Precincts or the proposed changes to the precinct boundaries. Some of these submissions can be resolved by:

- minor adjustments to the precinct boundaries;
- justification of inclusion of certain buildings within the precinct;
- examining the reasons for changes to the boundaries; and
- additional investigations to determine whether additional items should be included in the Urban Precincts.

Recommendations addressing each submission are included in an attachment to this report (***refer attachment***).

During exhibition of the Study Review a number of minor errors and omissions have been identified. It is recommended that Council endorse the updating of the Study Review report prior to seeking Minister's authorisation. The report has been subsequently updated by CONTEXT.

Council Plan Outcomes

The Council Plan contains an action to ‘implement the process to amend the Heritage controls for Urban Areas contained in the Planning Scheme.’

Sustainability

The protection of the cultural heritage of the Rural City of Wangaratta is consistent with sustainable development.

Local Community

The protection of Council’s heritage assets provides a local identity and a historical connection to community foundations.

Community Engagement

The members of Council’s Arts, Culture and Heritage Advisory Committee were consulted prior to the preparation of the CONTEXT report. Landholders within the 17 urban heritage precincts were advised of this exhibition process.

Conclusion

There has been an extensive body of work that has been undertaken in relation to Heritage Conservation within the Urban Precincts of Wangaratta City.

The extended exhibition and consultation period has closed and Council’s approval is now sought to commence the Planning Scheme amendment process by seeking authorisation from the Minister for Planning.

Recommendation:

That Council resolves to authorise the Chief Executive Officer to:

- a) prepare Draft Amendment C44 incorporating recommended changes in response to submissions received;***
- b) seek the Minister’s authorisation to prepare and exhibit Draft Amendment C44 to the Wangaratta Planning Scheme;***
- c) endorse the recommendations of the revised report titled ‘Rural City of Wangaratta Heritage Study Review (Part 1) Volume 2: Rural Places’ (dated 17 May 2013);***
- d) update the Draft Study as well as minor amendments or changes to the Draft Amendment with the Minister as required; and***
- e) advise all those persons who made written submission regarding Urban Precincts of Council’s decision.***

Communication

The submitters will be informed of Council’s decision and that they will have another opportunity to make a submission to the formal process.

11.2.2.6 382 REITH ROAD, WANGARATTA

382 Reith Road, Wangaratta

Introduction

This report provides an update on the consultations taken place regarding the potential development of this property and an application for rezoning the subject site from Farm Zone to Rural Activity Zone with a Development Plan Overlay.

Background

Council received communication from the Department of Transport, Planning and Local Infrastructure in June 2013 that the Department has been approached by consultancy acting on behalf of the land owner for Ministerial Intervention for rezoning the subject land from Farming Zone to Rural Living Zone 1.

Section 20(4) and Section 185A of the *Planning and Environment Act 1987* provides that the Minister has the power to amend a planning scheme or to expedite an amendment to a planning scheme.

Where the Minister proposes to exercise these powers it is mandatory that Council is consulted to consider the issues associated with the proposed amendment.

Council received an updated communication from the Department of Transport, Planning and Local Infrastructure on 16 August 2013 indicating that the Department is unlikely to initiate the amendment and would prefer if the process is undertaken by the Council.

Issues

Habitat Planning, an Albury based planning consultancy acting on behalf of the landowner, approached Council in July 2012 with a concept to develop the subject land for an equine based residential development. They indicated that they made a presentation to Councillors and the Senior Management regarding the concept on 18 December 2012. Council's record indicates the following:

- Council endorsed the Rural Land Strategy at its meeting on the 26 June 2012 subject to certain amendments and seek authorisation from the Minister for Planning to prepare an amendment to the Wangaratta Planning Scheme to implement the strategy.
- A meeting was held between the consultants and Council Officers on 18 July 2012. The consultants indicated that they wish to subdivide the land into 8000m² to 2 ha allotments to be developed for horse stables and associated dwellings. They also requested that Council take into consideration their intended development when preparing the amendment for the Rural Land Strategy as the current zoning provisions do not support this development.

- Council advised the consultant via letter on 14 September 2012 that it is premature to undertake rezoning of the Reith Road (including the subject site) until the Rural Land Strategy amendment has been finalised and the Population and Housing Strategy is complete.
- The consultants were further advised on 24 September 2012 that rezoning of the West Wangaratta/Warby Ranges precinct from Farming Zone to Rural Activity Zone, as recommended by the Rural Land Strategy, will be undertaken concurrently with Council's Population and Housing Strategy. The Population and Housing Strategy is to define local policy in relation to this area of land. The preferred minimum lots size discussed in 18 July 2012 meeting will be considered during the preparation of local planning policy associated with the Draft Rural Land Strategy Planning Scheme Amendment.
- Council received correspondence from the consultant on 19 October 2012. In response to this letter, the consultant was advised on 5 November 2012 that the subject site is part of a much larger area of land proposed to be rezoned from Farming Zone to Rural Activity Zone (RAZ), by the Rural Land Strategy.
- It was further stated that it is intended that implementation of the Rural Land Strategy will proceed prior to the Population and Housing Strategy. Council see the 40 hectare minimum 'as of right' for a dwelling in Rural Activity Zone (RAZ) to be inappropriate for establishment of equine related developments. At this stage it has not been determined whether a local policy which gives more flexibility, or a site specific amendment, is the better approach. Either way, Council's approach will be based on the view that a more flexible approach to developing smaller lots is necessary.
- On the 20 November 2012 Council resolved to take no further action with the Rural Land Strategy pending review and that Council was to meet with the Minister for Planning.

A meeting between the consultants and Council officers was held on 1 May 2013. In this meeting the consultants informed the officers that they have approached the Minister for Planning for Ministerial Intervention to rezone the property from Farming Zone to either Rural Activity Zone or Rural Living Zone 1 and that the Minister is willing to initiate this process relatively soon.

The consultants specifically asked the officers whether Rural Activity Zone or Rural Living Zone 1 would be more appropriate if a Ministerial amendment is undertaken. The advice given on the basis of above information (that Ministerial Intervention is pending) was that probably Rural Living Zone 1 would be more appropriate given:

- the adjoining land on the western side across Reith Road is zoned RLZ1 ;
- Wangaratta Planning Scheme does not have any Rural Activity zone, and
- the status of the Rural Land Strategy is unclear at the moment;

- The intended development appears to be more consistent with the purpose of RLZ1.

No plans or details were presented by the consultants. At the end of the meeting a concept of subdivision was shown very briefly to the officers for viewing only.

On 7 May 2013, Council received correspondence from Habitat Planning outlining the summary of their approach for a Ministerial Amendment and its justification. Habitat Planning was advised that the intended Ministerial amendment would be generally in line with the strategic direction (based on Municipal Strategic Statement and other draft strategies) for the future development of Wangaratta City, and that they should consider the following whilst requesting for the Ministerial amendment:

- 2 ha as being the minimum lot size for future subdivision. This would be consistent with the current rural living style development (Rural Living Zone 1) across Reith Road which allows for a minimum of 2ha lots. 2ha lot size would also be consistent with the purpose of RLZ1;
- Application of Development Plan Overlay (DPO) to ensure the overall all planned development of the site and its linkages with adjoining properties; and
- Formalising and upgrading of access/bridge to racecourse road.

Council received correspondence from the Department of Transport, Planning and Local Infrastructure advising that the consultants have approached the department for a Ministerial Intervention and the department was interested to know Council's position.

A meeting was organised by the Department of Transport, Planning and Local Infrastructure (DTPLI) on 13 June 2013 which was attended by the Senior staff from the DTPLI and the Council as well as representatives of the consultancy and the developer.

Council position explained in this meeting was that:

- Council's preference is for undertaking a comprehensive planning scheme amendment once Housing and Population Strategy is finalised and endorsed by Council and the Rural Land Strategy is reviewed and its status becomes clear. The comprehensive amendment will cover all the land indicated for rezoning by these strategic documents and not just the subject land. Amendment just for this land will be premature at this stage;
- if the Department decides to initiate the amendment process, the concept is supported as the amendment is generally in line with strategic direction provided the amendment addresses Council's concerns as outlined above. It was made clear in the meeting that this support is only at officer level. For Council support the matter must go to a Council meeting and a formal resolution will be required for this purpose;

- prior to the Council resolution, a briefing on the Draft Population and Housing Strategy will be made to the Corporate Management Team (CMT) and to Councillors for their information and consideration.

On July 10, 2013, a senior officer from the DTPLI informally advised a Council officer that the DTPLI is unlikely to initiate the amendment process as the Department is not convinced that there is a sound basis for Ministerial Intervention and would prefer the amendment process to be undertaken by Council. On July 11, 2013 Council was informed by DTPLI through an email that:

- *Council to seek authorisation for the amendment.*
- *Application of the Rural Activity Zone (or other suitable zone - the proponent has since suggested the Rural Living Zone - RLZ) and a Development Plan Overlay (DPO) that specifies a range of lot sizes, link to the racecourse and timing for the installation/construction of infrastructure and other requirements as deemed necessary)*
- *Introduction of a Local Policy along the lines of the "Casey Intensive Horse Stabling Policy".*
- *Written support from Racing Victoria and prospective trainers and a revised letter from the Wangaratta Turf Club,*
- *Agreed notice and referral requirements - we are able to justify limited notice at this stage on basis of general consistency with broad policy and key local economic drivers - the TAFE and racecourse - and that there will be further notice through subsequent planning approvals process (notice of the Development Plan) - where greater detail of how project will actually hang together will be available for public perusal.*
- *DTPLI (Hume region) can assist Habitat to prepare the amendment documentation (and Council report if necessary).*
- *The proponent is eager for this to be considered at the 20 August Council Meeting.*

On July 23, 2013 and on August 16, 2013 (**refer attachment 1 and 2**), the Department of Transport, Planning and Local Infrastructure (DTPLI) reiterated the above advice to the consultant/applicant that the DTPLI is unlikely to initiate the amendment process and advised him to contact Council for initiating this process.

Council has received an application from Habitat Planning on 21 August 2013 for rezoning the subject land from Farm Zone to Rural Activity Zone with a supporting Local Policy for Intensive Horse Stabling and Development Plan Overlay. A concept plan submitted with the rezoning request seeks subdivision of land into lots generally of the size of 8000m².

Implications

Council has been maintaining a consistent position advising that, at this stage, it is premature to single out and rezone the subject site. Council's preference has been to undertake a comprehensive planning scheme amendment following the review of the Rural Land Strategy and Council's endorsement of the Population and Housing Strategy. However, given that Council was informed of an impending Ministerial Intervention in this case, the advice was given to the developer which is generally consistent with the direction Council's strategic

documents provide for the future development of this area including the subject site. Council's position was made clear to the DTPLI.

The Municipal Strategic Statement (MSS) of the Wangaratta Planning Scheme, (Clause 21.06) identifies the subject land and its surrounding context for future investigation for *“low density residential, rural living or residential zoning and development including low density options associated with the horse racing industry”*.

The MSS further states that land surrounding the racecourse has the *“potential for the provision of low density residential zoning and development in the vicinity of the Wangaratta Racecourse to be specifically designed for horse racing industry needs”*.

Council has received a final draft of the Population and Housing Strategy (September 2013). A separate report has been prepared for the strategy for Council's consideration at this meeting. If Council agrees to formally endorse the strategy, the next process will be its exhibition for public comment and reconsideration after the completion of exhibition process and making a decision regarding the adoption of this strategy. This process has not happened at this stage.

A relevant section of the strategy is reproduced below for Councillors consideration:

‘Support the designation of the land to the south-west of the Wangaratta Racecourse over Three Mile Creek for equine related development including horse stabling and training facilities with ancillary dwellings as follows:

- i. Option 1. An integrated equine related live/work precinct controlled by an expanded Special Use Zone² that currently applies to the Wangaratta Racecourse. This option should only proceed where there is a clear agreement in writing between the Racecourse, the landowners on the western side of Three Mile Creek, Goulbourn- Ovens TAFE and the Rural City. The preferred allotment size for this area should be established as a result of a detailed assessment of the capability of the land to support equine related development, with a minimum area of 2 hectares. A range of lot sizes (2 hectares and above) to support varying degrees of equine land use intensity should be provided as part of any future land subdivision. The planning controls for this precinct must require that equine related development is the dominant land use through the preparation of a whole farm plan, supported by a maximum of one dwelling per allotment.*
- ii. Option 2. If there is no clear agreement in writing between the Racecourse, the landowners on the western side of Three Mile Creek, Goulbourn-Ovens TAFE and the Rural City, retain the land as Farming Zone (or similar) and limit any further subdivision on the land in order to encourage larger, more intensive equine related development on these sites.*

This information gathered in relation to equine related developments in Victoria and NSW, the direction Council's MSS provides and the proximity of this land to the Wangaratta Racecourse support this recommendation.'

The draft strategy does conditionally support the rezoning of the land lying in between Reith Road and Three Mile Creek, including the subject site, from Farm Zone to Special Use Zone2 for the development of equine related activity subject to conditions, otherwise if the conditions are not met, the land should continue to be retained in the Farm Zone with no further subdivision.

Conclusion

Council has received a number of requests since 2010 for rezoning (**refer Attachment 3 and 4**) to this report. Council has consistently deferred these requests, including the original request from Habitat Planning in August 2012, pending the preparation and endorsement of the Population and Housing Strategy. Without this Strategy providing guidance and co-ordinating to land releases within and around the Rural City these proposals cannot proceed and detailed investigations cannot commence.

Given that the latest communication received from the DTPLI indicates that a Ministerial Intervention is unlikely to occur in this case, the following is recommended for the consideration of the Councillors for the following reasons:

- 1. Council's Population and Housing Strategy has not been endorsed, exhibited for public comment and finally adopted by Council, and the Rural Land Use Strategy is yet to be reviewed as per Council Plan 2013-17, it would be premature for Council at this stage to consider the amendment for the subject land;*
- 2. the proposal is not consistent with the key recommendation of the Population and Housing Strategy including the lot sizes; and*
- 3. consideration would also not be fair to other developers/owners who have been making enquiries in relation to the potential development of their properties along Reith Road and were advised to wait until such time the Population and Housing Strategy is finally adopted by Council and the review of the Rural Land Strategy is completed.*

Recommendation

That Council advise the applicant that it would be inappropriate to consider the requested amendment until such time as Council has adopted the Population and Housing Strategy and completed the review of the Rural Land Use Strategy.

Communication

The applicant is advised of Council's decision.

11.2.2.7 PLANNING PERMIT APPLICATION PLNAPP12/221 - INSTALLATION OF A PROMOTIONAL SIGN AT BOWSER ROAD NORTH WANGARATTA VIC 3678,

PlnApp

12/221

Background

Applicant: Transad Australia Pty Ltd
Owner: Mario Pane
Subject Land: CA PT 1 Sec B1 Par Wangaratta N
Bowser Road NORTH WANGARATTA VIC 3678

Zone/s: Industrial 1 Zone
Overlays: N/A

Recommendation: Issue a Notice of Refusal.

Site and Context

The subject is located at Bowser Road, North Wangaratta and specifically situated on the south west corner of the intersection of Bowser Road and Coleman Road (*refer attachment*).

The site is located approximately 5 kms north of the Wangaratta Township and 1km south of the intersection of the Hume Hwy and Bowser Road. The site is an open paddock and has an overall site area of 2.13ha.

The Wangaratta North Family Motel is located on the adjacent site to the south west. Council's waste transfer facility is located on the north east side of Coleman Road, opposite the subject site. A large Rural Living 2 Zone is located to the north west of the site.

The subject site is within an Industrial 1 Zone, although the land remains as farming land, with no industrial development evident.

Proposal

The site for the proposed promotion sign is on the south west corner of Bowser Road and Coleman Road in Wangaratta North.

The sign is to be located in the sites western corner and setback 8 metres from the sites Bowser Road frontage. The sign is to be single sided and angled at 45 degrees to have exposure to southbound traffic. The sign will be setback between 2 and 5 metres from the adjoining property to the south of the site (Motel).

The sign will have an advertising area of 2.2m high and 8.1m long creating an overall area of 17.82 metres, and will be elevated on a 2.5 metre frame, creating an overall height of 4.7 metres.

The subject site is mostly pasture, with a scattered stand of native trees growing at the south eastern (rear) part of the lot.

Relevant Planning History

A previous planning permit application ref: 11/040 was refused by Council on the 19/7/2011. The application was for the installation of a Major Promotion Sign and on review before the Victorian Civil and Administrative tribunal Council's decision to refuse the application was upheld.

Whilst the current application is for a different type of sign being a promotion sign, it is considered that elements of the Tribunals findings including the description of the landscape characteristics should be considered.

It should be noted that the proposed Promotion Sign has a display area of 17.82sqm, which is just shy of the required area to be considered as a 'Major Promotion Sign'. A Major Promotion Sign is subject to additional assessment criteria under the provisions of Clause 52.06, however this assessment cannot be provided to this application, but it is clear that the sign is a large promotion sign design for maximum commercial exposure for south bound traffic on approach to Wangaratta.

The Wangaratta Rail Trail that passes in front of the subject site is a significant tourist and recreation facility. Many people stop close to the subject site, as it is adjacent to the Bowser rail trail station where picnic and toilet facilities are available.

Locating a major commercial promotion sign less than 20 metres from the path of the rail trail is a poor planning outcome that will detract from the quality of the tourism and recreation facility offered by the trail.

Planning Permit Trigger

- Clause 33.01-5 – Industrial 1 Zone; and
- Clause 52.05-8 – Advertising Signs (Category 2 – Office and Industrial)

Relevant Planning Provisions

The following provisions of the Wangaratta Planning Scheme are relevant to this proposal:

Section	Clause	Provision
State Planning Policy Framework	15 15.01-1	Built, Environment and Heritage Urban Design
Local Planning Policy Framework –MSS	21.05 MSS,	
Local Planning Policy Framework - Local Planning Policy	22.04-3 22.05-1	Public Places, Thoroughfares and Tourist routes. Industrial Land
Zones	33.01-5	Industrial 1 Zone
Overlays	N/A	
Particular Provisions	52.05-8	Advertising Signs
Other Relevant Provisions/Documents/Information		Draft Advertising Policy

Referrals

The application was referred to the following referral authorities:

Authority	Section	Response
Vic Roads	External Section 52 Referral	No response to date (referred 19/7/2013)

Internal Departmental Advice

Department	Response
Technical Services	No Comment or Requirements

Advertising

The application was advertised to adjoining land owners and an advertisement was placed in the Wangaratta Chronicle. One objection was received.

The issues raised in the letter of objection are summarised below and comments made.

Issue	Comment
Proximity of Signs to adjoining and proposed Motel Units	Objection acknowledged refer to discussion within the report of siting of the sign within the context of the site and surrounding area.
Overshadowing of Motel land	Concerns are noted, however, given that the land is Zone Industrial 1, a building can be placed the sites boundary adjoining the Motel site. Normal amenity provisions including overshadowing normally considered in a Residential area cannot be applied in this instance. Objection not supported
Inconsistent with the Rural Character	Objection Supported – refer to further discussion within the report.

Planning Assessment

State Planning Policy Framework (SPPF)

Clause 15 (Built Environment and Heritage), 15.01-1 (Urban design).

Local Planning Policy Framework (SPPF)

Clause 21.05 MSS, 22.04-3 (Public Places, Thoroughfares and Tourist Routes),

The land adjoins a major Tourist Route being the Murray to Mountains Rail Trail, of which a rest station is located just north of the site. This rail trail is a tourist route of major significance and therefore this policy is applicable to the land. The objectives of the policy include:

'Facilitate positive visual impressions gained of the municipality to those visiting or transiting though the area; and;

It is policy to:

'Consider the probable aesthetic and visual appearance of proposed buildings or works.' And;

'Ensure that new development is sited, designed and appropriately screened in relation to public places, thoroughfares and tourist routes.'

It is considered that the proposal is at odds with the objectives of this policy, which seeks to ensure that any development is appropriately screened in relation to tourist routes. In this instance the proposal is in no way screened from the adjoining rail trail and major approach road, in fact the sign is designed specifically to obtain maximum commercial exposure to users and passing traffic within this area.

22.05-1 (Industrial land)

Zone

Clause 33.01 – Industrial 1 Zone

It is acknowledged that the land is zoned Industrial 1, however, the land currently sits as a vacant paddock and the surrounding landscape is reflective of a rural landscape with the only real industrial use being the adjoining waste transfer station and a adjoining Motel Unit to the south of the site..

This description of the landscape value was acknowledged by the Tribunal, which described the area as:

“While I accept the zoning of the land is Industrial 1, there has been no development taken place on the land at the present time which would identify the land as such a use.”

The siting of a large promotion sign on a site with high level of exposure is clearly at odds with the sensitive setting rural setting of the land and surrounding area.

It is considered that the sign is not respectful to the major northern approach to the rural city of Wangaratta and signage located along this approach is generally limited to Business Identification Signage and Road Directional Signage.

Overlay

N/A

Particular Provisions

Clause 52.05 – Advertising Signs

The proposal has been assessed against Clause 52.06, which specifically relates to advertising signs, and it is considered that the proposal fails to meet the purpose and major decision guidelines of the provision. These key provisions are outlined below:

Purpose

- *To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

Decision guidelines

- *The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.*
- *The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.*
- *The potential to impact on the quality of significant public views.*
- *The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.*

Considering the above decision guidelines, it is considered that the proposal is at odds with the objectives of this provision. As previously stated the sign will be located in an open rural setting and it is designed to have maximum exposure, which sits at odds with the landscape values of the surrounding area. It is not considered that the proposal is supported by this provision of the scheme.

Other Documents/Provisions

Council's Advertising Signs Policy

Council is currently undertaking the preparation of a Planning Scheme Amendment to incorporate Council's newly adopted Advertising Policy as Local Policy within the Scheme.

Although this policy currently holds little statutory weight, its objectives must be considered when deciding on this application. Specifically this policy seeks to build on the existing advertising signs requirements within the Scheme having consideration to the Local conditions of the municipality, and with regard to promotion signs, are generally discouraged by the policy and it specifically recommends that they are not to be located along identified Tourist Routes, which includes Rail Trails.

Therefore it is considered that this policy fails to meet the performance criteria and objectives of this Council policy.

Conclusion

On balance it is considered that support cannot be given to the proposed promotion sign based on the assessment of the proposal against the provisions of the Wangaratta Planning Scheme. The siting of a promotion sign in a predominantly open rural landscape with exposure to the major northern approach to Wangaratta and adjoining a defined tourist route (Rail Trail), is considered to be out of context with the surrounding landscape.

Recommendation:

That Planning Application No. 12/221 for the Installation of a Promotion Sign at CA:1 Bowser Road, North Wangaratta not be supported and a Notice of Refusal be Issued on the following grounds:

- 1) the promotion sign is contrary to the objectives of Clause 52.05 (Advertising Signs) of the Wangaratta Planning Scheme, through the siting of a promotion sign in an otherwise Rural and Open landscape;***
- 2) the proposal is inconsistent with the context and character of the surrounding area;***
- 3) the proposal is contrary to the objectives of Clause 22.04-3 of the Wangaratta Planning Scheme; and***
- 4) the proposal is inconsistent with the purpose and performance criteria of the Rural City of Wangaratta - Advertising Signs Policy.***

Communication

That the applicant and objectors be advised of Council's decision.

11.2.2.8 PLANNING PERMIT APPLICATION PLNAPP13/078 - DEMOLITION OF A BUILDING AND CONSTRUCTION OF A SHED AT 2-12 EVANS STREET WANGARATTA VIC 3677.

Planning Application

13/078

Summary

Applicant: North East Planning Plus
Owner: Rural City of Wangaratta
Subject Land: CA C Sec NO Par Wangaratta
2-12 Evans Street WANGARATTA VIC 3677

Zone: Special Use Zone – Schedule 1
Overlay: Heritage Overlay – Schedule 12
Flood Overlay (FO)
Land Subject to Inundation (LSIO)
Permit Trigger: Demolition of a Heritage Building and construction of a Shed (Buildings and Works)

Recommendation: Issue a Notice of Refusal

Site and Context

The subject site is known as the Wangaratta Showgrounds and the building which is the subject of this application is known as the Scarecrow Pavilion and is located on the on the sites western boundary, immediately south of the sites Western property entrance.

A row of Heritage listed trees adjoin the site to the west and overhang the building. The location of the building is indicated in the Aerial Photograph attached to this report (*refer attachment*).

The surrounding area is characterised by a mix of buildings relating to the mixed use of the land as a Rural Showground and Outdoor Sporting Centre.

Proposal

The applicant proposes the demolition of an existing heritage listed building known as the Scarecrow Building and its replacement with a shed finished with metal cladding.

The applicant proposes to replace the Pavilion with a Shed, which will have an overall length of 38 metres, a width of 7.6 metres, a wall height of 3.3 metres and an overall height of 4.1 metres. The shed is designed to have four 2.5 metre wide roller doors along its front elevation. A copy of the plans are attached to this report (*refer attachment*).

Planning Permit Trigger

- a) Clause 37.01- (Schedule 1) -3 Buildings and Works – Special Use Zone;
- b) Clause 43.01-1 (Heritage Overlay) Demolition of a Building; and
- c) Clause 43.01-1 Buildings and Works

Relevant planning provisions

The following provisions of the Wangaratta Planning Scheme are relevant to this proposal:

Section	Clause	Provision
State Planning Policy Framework	15.03	Heritage & Heritage Conservation
Local Planning Policy Framework -MSS	22.06-3	Heritage Places and Precincts
Local Planning Policy Framework - Local Planning Policy	22.06-3	Heritage Places and Precincts
Zones	37.01	Special Use Zone – Schedule 1
Overlays	43.01	Heritage Overlay – Schedule 12

Referrals:

The application was referred to the following referral authorities:

Authority	Response
External Section 52 Referral	N/A
External Section 55 Notice	N/A

Internal Departmental Advice:

Department	Response
Heritage Advisor	<p>Objection – see comments below:</p> <p><i>‘It is recommended that demolition not be supported, as the pavilion is integral to the group of historic agricultural buildings. These buildings have the capacity to demonstrate a number of historic themes and this includes the unusual architecture, which is distinguished by its rareness both regionally and state wide.’</i></p>

Advertising

Notice of the application was not given, as it was considered that the proposal will not have any detrimental impact on the adjoining properties due to the location of the building.

Planning Assessment

State Planning Policy Framework (SPPF)

Clause 15.03-1 (Heritage conservation) seeks to *'ensure the conservation of places of heritage significance'*. The Scarecrow Pavilion is an identified place of heritage significance through the application of a heritage overlay.

Local Planning Policy Framework (LPPF)

Clause 22.06-3 (Heritage Places and Precincts), provides guidance and applies to properties or precincts identified by a heritage overlay within the planning scheme.

This policy seeks to *'encourage the conservation, and discourage the demolition, of all significant and contributory heritage places in the Heritage Overlay'*. Heritage advice cites that the Pavilion is of Cultural Significance and contributes to the group of unique buildings which are considered to be of local and state wide significance.

The proposal to demolish this building and construct a typical shed is at odds with and not supported by the objectives of this Local Policy, which seek to *'Encourage the retention, reuse and recycling of significant and contributory heritage places in the Heritage Overlay in a manner which conserves and does not detract from the significance of the heritage place and/or precinct'*, and to *'discourage the demolition of a significant or contributory building unless and only to the extent that:'*

- *The building is structurally unsound or cannot be feasibly reused.*
- *The replacement building and/or work displays design excellence which clearly and positively supports the ongoing heritage significance of the area.*

The application is not supported by this section of the policy. It is noted that the condition of the building has been described as poor, however as advised by Council's Heritage Advisor there is currently the ability to undertake restoration works re-using a lot of the existing building fabric.

Council's Heritage Advisor has provided a history of the Scarecrow Building and a description of its architectural characteristics as outline below:

'The Scarecrow Building has had a number of uses and this includes the former Animal Nursery and a small animal or bird pavilion. It is a timber-framed building with squared sections of earth-fast timber sections with timber rails. The walling is corrugated galvanised metal as is the roof. The design of the roof is atypical and its semi-circular curved profile has a distinctive architectural character and it contributes to the complex of quaint architectural buildings.'

'As with most of the other representative buildings the emphasis of the structure is to provide an appropriate place for the display and care of animals or birds. This has been achieved in this instance by creating a central space [with generous ceiling height] and with a division of corral like stalls. The design is functional but has pleasing proportions and its use of large sections of timber [both horizontal and vertical] complement the rural aesthetic. The circular pitch to the roof contributes to the vernacular charm and provides a pleasing counterpoint to the other buildings – all which display and idiosyncratic charm.'

Zone – Special Use Zone 1 (Showgrounds)

The purpose of the zone is to:

'To provide for the use of the Wangaratta Showgrounds for the Wangaratta Show and in the non-show period for a range of entertainment, recreational, commercial and community activities.' And;

'To encourage the multiple use of land and buildings within the showgrounds to facilitate its usage throughout the year.'

There is no permit trigger for demolition of the Pavilion under the provisions of this zone. A permit however is required for the construction of any Buildings and Works on the land. Council must have consideration to the decision guidelines of this zone, which includes to consider *'The streetscape, including the conservation of buildings, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping of land adjoining a road'*.

It is considered that the demolition of the heritage building and the replacement with a standard shed in a heritage precinct is not an appropriate response to these decision criteria.

Heritage Overlay HO – Schedule 12

The subject land is identified as a Heritage Place of Significance (Item 12), Wangaratta Show Grounds. The Rural City of Wangaratta – Heritage Study (Doring, May 2004) identified and reviewed all of the buildings on the Showgrounds. The Scarecrow Pavilion is an individually listed building under this precinct overlay.

The purpose of the Heritage Overlay (Clause 43.01), includes *'to conserve and enhance heritage places of natural or cultural significance'* and *'to ensure that development does not adversely affect the significance of heritage places'*.

It is considered that the proposal to demolish the listed building is at odds with the objectives of the heritage overlay. The purpose of which is to protect and enhance heritage places.

As previously discussed the application was referred to Councils Heritage Advisor who has raised significant concerns with the proposal to demolish the Heritage listed building, and provided the following advice:

'It is recommended that demolition not be supported, as this pavilion is integral to the group of historic agricultural buildings. These buildings have the capacity to demonstrate a number of historic themes and this includes the unusual architecture, which is distinguished by its rareness both regionally and state wide.'

Historic Significance

'The Wangaratta Show was one of the earliest show groups to become established within the Colony of Victoria and its importance to the development of the region should not be underestimated. The sustained quality of exhibits, the range of classes all contribute to an understanding of the premier agricultural enterprises that were established during the early 19th century and this same quality of enterprise.'

Cultural Heritage Significance

'The Wangaratta Showgrounds are included in the Schedule to the Heritage Overlay as HO12. The extent of registration includes the whole of the showgrounds but not all the structures and landscape features are of significance.'

'Of particular significance are the group of late 19th and 20th century agricultural animal [and poultry and avian] pavilions. This particular group contributes to an understanding of the historic importance of the Showgrounds. They also have a high aesthetic significance for their particular design and unlike many of the later buildings [mid to late 20th Century] they exhibit particular and architectural and decorative features. As a group of representative buildings they are unparalleled in Victoria and are identified as having state significance.'

Physical Condition

'The condition of the pavilion is poor as the current structural system of earth fast posts has failed due to rot. In addition to this the braches and the needles from the cedar trees [west boundary] have accelerated the natural ageing of the metal roof. However, while being in poor condition there is scope for the restoration as the majority of the fabric is re-usable.'

The permit applicant was made aware of heritage concerns initially within Council request for further information letter (15 May, 2013). This letter also advised that support would be given only to the restoration of the building and it was suggested that an on-site meeting be called to discuss this option.

The permit applicant advised Council that their client was not interested in restoring the building and sought the demolition of the existing structure and the construction of a new shed.

However, following further advice that the matter would not be supported, the permit applicant requested an onsite meeting. This meeting took place on the 5 July, 2013 with the permit applicant, representatives of the Show Society, Councils Planning Department Staff, Heritage Advisor and Recreation Planner.

Discussion at the meeting centred around two main issues being the restoration of the existing Scarecrow Pavilion and any alternative siting of a new shed. Four options were discussed for the siting of a new shed, with the most appropriate and practical being the area immediately to the south of the Scarecrow Pavilion.

Council's Heritage Advisor offered to explore funding options for the Show Society through Heritage Grants to facilitate the adaptive re-use and restoration of the building, in addition to the construction of the new shed.

This would enable the construction of a new shed to the south, which ultimately (subject to funding) could be linked to the restored Scarecrow Pavilion, therefore doubling the available storage and show space for use during the year and at show times.

The agreed outcome at the conclusion of the meeting was that the Show Society would consider the options and advise Council's Planning Department how they wished to proceed. Following the meeting, the permit applicant advised Council that their clients wished that the application should be considered as submitted and reported to a meeting of Council.

Therefore, having regard to the policy within the Planning Scheme the advice of Council's Heritage Advisor, support for the proposed demolition cannot be recommended.

Conclusion

The proposed demolition is considered to be inconsistent with the objectives of the Heritage Overlay and therefore cannot be supported. The Scarecrow Pavilion forms part of a cluster of agricultural buildings relating the historic and present use of the land as a Rural Show Grounds. As discussed within this report the buildings are considered to be of regional and state – wide significance and demolition of this building and its replacement with a regular iron clad shed is not considered an appropriate heritage response.

Alternative options for siting have been offered to the applicant and assistance in sourcing funding for the restoration of the Pavilion, however all these options have been rejected by the applicant at this stage. Therefore considering the merits of the application support cannot be recommended for the demolition and replacement building.

Recommendation

That Planning Permit Application No. PInApp13/078 for Demolition of a Building and the Construction of a Shed be refused and that a Notice of Decision to refuse a Permit be issued for the following reasons:

- 1. the proposed demolition is inconsistent with the purpose of Clause 43.01 (Heritage Overlay – Item 12) of the Wangaratta Planning Scheme in that it promotes the demolition of a listed building and a place of cultural significance and does not facilitate the conservation and enhancement of places of cultural significance; and***
- 2. the proposed new building is of a scale and design that is not consistent with the heritage characteristics of the surrounding listed buildings and is inconsistent with the purpose of the Heritage Overlay.***

At the Council meeting on 20 August 2013 the following formal motion was put and carried:

(Moved: Councillor J Fidge/Councillor P O'Brien)

'That the report lay on the table to allow for further consultation.'

Carried

Recommendation

That the report be taken from the table.

Communication

That the applicant and objectors be advised of Council's decision.

11.2.2.9 PLANNING PERMIT APPLICATION PLNAPP13/113 - DEVELOPMENT AND USE OF A COMMUNITY HEALTH CENTRE (MEDICAL CENTRE, ASSOCIATED OFFICES & COMMUNITY MEETING ROOM) AND A REDUCTION IN THE CAR PARKING REQUIREMENTS OF CLAUSE 52.06. AT 45-47 MACKAY STREET WANGARATTA VIC 3677,

PlnApp

13/113

Background

Applicant: Janelle Boynton
Owner: Ovens & King Community Health Service
 Lot 1 TP 19593 Vol 10548 Fol 057
 Lot 3 TP 19593 Vol 10548 Fol 059
Subject Land: Lot 4 TP 19593 Vol 10548 Fol 060
 Lot 2 TP 19593 Vol 10548 Fol 058
 Lot 5 TP 19593 Vol 10548 Fol 061
 45-47 Mackay Street WANGARATTA VIC 3677

Zone/s: Mixed Use Zone

Overlays: Design & Development Overlay Schedule 1
 Heritage Overlay
 Parking Overlay Schedule 1

Recommendation: Approval

Site & Context

The subject site is located on the western side of MacKay Street and consists of a number of parcels and is bound by a railway reserve as its western boundary. The site is irregular in shape, with a frontage to MacKay Street of 68 metres and a depth varying between 41 and 60 metres, creating an overall size of 4254 sqm (*refer attachment 1*).

The subject site does not extend fully to the rear of the site as a triangular parcel of land formally used as the land is rail reserve.

The subject site was formally used as a Bus Depot, which included a mechanical service centre for the company.

The surrounding area contains a mix of uses, varying between residential uses, which immediately adjoin the subject site to the north and south.

The Western side of MacKay street is generally characterised by residential type uses with a mix of single dwellings and multi-unit developments. A cabinet making facility and showroom is located on at the streets intersection with Rowan Street.

The Eastern side of MacKay Street predominantly consists of commercial and community facilities, including electrical contracting business, community health services. There are some residential uses with a mix of single dwellings and multi-unit developments. Access to the Wangaratta Plazas (IGA complex) car park can be obtained through MacKay Street.

Proposal

The application is for the Use and Development of a Community Health Centre, which consists of a Medical Centre, Associated Offices & Community Meeting Room. The applicant also seeks a reduction in the car parking requirements of Clause 52.06 (***refer attachment 2***).

The proposal seeks to use the fabric of the existing buildings on the land, including the original Nissen Hut, which is currently obscured by metal cladding on the MacKay Street façade.

The area of the Nissen Hut is to be restored and converted to a physio room, teaching kitchen and a small community meeting room facing onto MacKay Street.

The ground floor component of the development is to consist of a medical centre, with a suite of consultation rooms and procedure rooms. The building is generally designed to fit under the existing building roofline with some additions including an addition to the rear of the building.

The first floor of the building is designed to be an open plan office space with a selection of break out rooms and meeting rooms. Access to the site is to be provided by two newly constructed crossovers to MacKay Street.

Planning Permit Trigger

- Clause 32.04 – Use and Development of Community Health Centre (Mixed Use Zone)
- Clause 43.01 – Buildings and Works (Heritage Overlay)
- Clause 43.02 – Design and Development Overlay – Schedule 1 (Buildings and Works)
- Clause 45.09 – Car Parking Overlay
- Clause 52.06 – Reduction in Car Parking Requirements

Relevant Planning Provisions

The following provisions of the Wangaratta Planning Scheme are relevant to this proposal:

Section	Clause	Provision
State Planning Policy Framework	13.03-1	Use of Contaminated and potentially contaminated Land
	15.01-1	Urban Design
	15.03-1	Heritage Conservation
Local Planning Policy Framework - MSS		
Local Planning Policy Framework - Local Planning Policy	22.02	Urban Development and Central Activities Area
	22.05-2	Medical Centres Policy
Zones	32.04	Mixed Use Zone
Overlays	43.02	Design & Development Overlay Schedule 1
	43.01	Heritage Overlay
	45.09	Parking Overlay Schedule 1
Particular Provisions	52.06	Car Parking
Other Relevant Provisions/Documents/Information		N/A

Referrals

The application was referred to the following referral authorities:

Authority	Section	Response
Environmental Protection Agency (EPA)	External Section 52 Referral	Requested additional information relating to ground water testing – refer to further discussion within the report.

Internal Departmental Advice

Department	Response
Heritage Advisor	<p>No Heritage Objections to the proposal, with the following comments provided:</p> <p><i>‘The proposed infill has a suitable scale of development for this area which is an interface urban/commercial and residential area. It presents to the street as a double storey development, this type of scale / height is found on the edges of this interface area.’</i></p> <p><i>‘The façade (facing on MacKay Street) is broken up by changing finishes, textures, the use of broken planes, glazing elements and the dominance of the entrance. These are positive design elements.’</i></p> <p><i>‘The subtle use of changes in features finished, textures and different shadow play will also assist what is a large commercial building to blend into the mixed character found in this street.’</i></p>
Technical Services	No objection – subject to conditions
Arborist	No objection – subject to conditions, relating to the protection of the existing street tree.

Advertising

The application was advertised to adjoining land owners and an advertisement was placed in the Wangaratta Chronicle. Two (2) objections were received and a conciliation meeting was held on the 28 August, 2013.

The meeting was chaired by the Mayor and attended by the permit applicant, owner, one objector and Planning Department Staff.

The issues were discussed and some resolution was reached with one of the letters of objection withdrawn.

The issues raised in the representations are summarised below and comments made.

Issue	Comment
Devaluation of Property	<p>Devaluation of property is not a relevant planning consideration under the provisions of the Planning and Environment Act, therefore consideration cannot be given to this point.</p> <p>Point of Objection not supported.</p>

Issue	Comment
<p>Business Operating Hours</p>	<p>Concern has been raised of the hours of operation of the business including after hours meeting within the community meeting space. The permit applicant has provided clarification on the operating hours of the business, which include:</p> <p><i>Medical Centre: 8.00am – 5.30pm Mon – Fri Thursday evenings – extension till 6.30pm.</i></p> <p><i>Community Meetings after normal hours up til 10pm.</i></p> <p>It is considered that a condition of permit can be developed to control the hours of operation of the business, however it acknowledged from time to time that after hours services are required for GP's, with a great deal of this occurring at the patient's own house.</p> <p>The applicant has provided information to Council and the objector which indicate that the use of the community meeting room is to be controlled and restricted to groups entering into conditions of hire.</p> <p>It must also be noted that the site and surrounding area is zoned as Mixed use Zone and therefore is not afforded the amenity controls typical of a Residential Zone. However it is considered that a general amenity condition can be placed on any permit and also a restriction on the level of noise that can be omitted from the premises.</p> <p>Point of objection not supported – Concerns can be managed through conditions of permit.</p>
<p>Loss of Access to the rear of 49 MacKay (Easement)</p>	<p>The subject land contains no easement of way benefiting the adjoining property (49 MacKay), however it is noted that a garage is located at the rear of 49 MacKay Street with clear and practical access to the Rowan Street Service Lane (at rear of Cabinet Makers).</p> <p>The application does not seek to alter this situation and the land title information submitted with the application and a recent survey, indicates that there is no easement of way over Lot 1 of the subject site which forms the rear parcel of land that has a triangular feature where it adjoins the railway underpass.</p> <p>Although no information has been submitted to Council to demonstrate the existence of the easement of way, on review of the adjoining patter of development and using Council's GIS system, if an easement of way did exist, it would be situated</p>

Issue	Comment
	<p>over 51 MacKay Street (Cabinet Makers), which is consistent with the construction of the cabinet makers building back from their apparent title boundary. Title information for this lot has not been supplied as it does not form part of the subject site.</p> <p>Land titles relevant to the subject site do not show any easement of way.</p> <p>The applicant seeks to establish a pedestrian path in this section of the subject site to link with the pedestrian networks along Rowan Street.</p> <p>Point of objection not supported.</p>

Planning Assessment

State Planning Policy Framework (SPPF)

13.03-1 Use of Contaminated and potentially contaminated Land

The applicant has provided to Council a report prepared by 'Coffey Environments', which details the process regarding the removal of underground storage tanks (UST) excavation, validation and soil testing on the subject site.

This report was referred to the EPA to provide Council guidance in assessing the application, given the known history that the land as a bus depot, service centre and that the site contained UST's.

The land is not affected by an Environmental Audit Overlay under the planning scheme; however the known history of the land and presence of UST's indicates that there is the potential for contamination on the land.

The applicant has indicated that the playground is proposed to be removed from the development.

At this stage, no formal response has been received from the EPA, therefore taking the precautionary principle into consideration, Council must be satisfied that the information supplied constitutes a site assessment of the potential for contamination, given that the intended use is not for a sensitive use.

On this basis it is considered that further investigations should be undertaken on the land, with respect to ground water, this can form a condition of the permit. Any condition should have a two stage approach, being a site assessment at first (including ground water testing), then based on the outcome of this, should the land be deemed to require further action including remediation works this can occur in consultation with the EPA.

15.01-1 Urban Design & 15.03-1 Heritage Conservation

The proposal is consistent with the objectives of this zone, through the re-use of the Nissen Hut and the design response of the building, which is contemporary and responds to the surrounding area.

Local Planning Policy Framework (SPPF)

Clause 22.02-1 Wangaratta Central Activities Area Urban Design Framework, Apex Park and the Faithfull Street Precinct.

The proposal is considered to meet the objectives of this policy, through the creation of a mixed use development being a community health centre. The proposal makes a contribution through its design characteristics, which will enhance the surrounding area.

The proposal also seeks to create a connection to the existing pedestrian links at the rear of the site.

Zone – Clause 32.04 Mixed Use Zone

The use of the land as a Community Health Centre is a section 2 use (Permit required); therefore Council must consider if the land is a suitable use for the site and surrounding area.

The use cannot be classified as a traditional Medical Centre, in that it offers many other Health Services through its Allied Health and support programs. As detailed in the plans, the centre will have a medical centre, with a range of Medical Practitioners available, however a large portion of the building including the first floor level will consist of an open office plan, to accommodate health professionals working on allied delivery programs.

On balance it is considered that the use in principle is consistent with the intent of the zoning of the land and surrounding land uses within MacKay Street. MacKay Street is consistent with the Mixed Use Zone provision through its varied land uses and proximity to the central business area.

The proposal is considered to meet the objectives of the zone, through the creation of a mixed use community health centre, which through its design responds to the character of the surrounding area. The applicant has also sought to retain the majority of the existing building fabric, including the restoration of the Nissen Hut, which is currently obscured by an add on – metal façade, which hides the original brick façade.

Overlay**Clause 45.09 - Parking Overlay**

The parking overlay covers the area known as the Central Activities Area (CAA) and includes the subject site. The car parking overlay prescribes a rate of car parking for medical centres and offices that is reflective of the site's CAA location, where collective car parking is common.

The rate of car parking to be provided for both a Medical Centre and an Office is 3 spaces per 100sqm; this is a reduction on the requirements outlined normally in Clause 52.06.

The applicant seeks to provide a reduced number of spaces on the site, which can be summarised in the table below:

	Car Spaces Required	Car Spaces Provided	Shortfall
On Site (Proposal as advertised)	84	47 (inc 1 disabled space)	37
Proposal including Vic Track Land (Rear of site)	84	65 (inc 2 disabled spaces)	19
On Street Car Parking	0	15 (inc. 2 disabled)	
Other Facilities		1 x Mini Bus Parking Zone 1 x Ambulance Bay 1 x Car drop off zone	

The requirements of Clause 45.09 must be read in conjunction with Clause 52.06 (Car Parking Provisions), which are outlined below:

Clause 52.06 – Car Parking

The application as advertised has a shortfall of 37 car parking spaces against the requirements of Clause 52.06.

With the exception of a small number of on – street car parking spaces located at the southern extent of the site, the site is devoid of on street car parking at the front of the site. This is due to the sites former use as a Bus Depot and the large vehicle crossover that spans most of the property.

The application seeks to alter this situation and as outlined in the chart, a total of 15 new car parking spaces will be created on street. These spaces become the property of Council and appropriate stay durations can be set for these bays.

Although technically this car parking is not on the land, as a result of the proposed development, the street would benefit an additional 15 car parking spaces, this factor must be considered as part of the decision making process.

Vic Track Land

The applicant provided an overall site plan initially with the application that detailed the extension of the proposed car park onto the adjoining Vic Track land.

As stated previously when the site is viewed at present, it appears that all the land between MacKay Street and the railway reserve (boundary fence) is one site, however a triangular shape portion adjoining the railway reserve is owned by Vic Track.

The applicant has initiated proceedings to lease this parcel of land and all indications are that a lease will be granted to the permit applicant. Given this, Clause 52.06 of the Scheme allows for the consideration of some of the car parking on another site, but must have regard to the following requirements:

- *The proximity of the car parking on the alternate site to the subject site.*
- *The likelihood of the long term provision and availability of the car parking spaces.*
- *Whether the location of the car parking spaces is consistent with any relevant local policy or incorporated plan.*
- *Any other matter specified in a schedule to the Parking Overlay.*

It is considered that the VicTrack land can meet the above mentioned requirements, given it immediately adjoins the site and it is unlikely to be used in the future for any other use. Therefore, it can be reasonably assumed that the land can continue to provide car parking for the adjoining property. If Council then accepts this arrangement, there would only be a shortfall of 19 car spaces, down from 37.

As previously discussed, the development will allow for the establishment of 15 new on-street car parking spaces as a result of the removal of the large crossover along MacKay Street. Although this parking is not provided on the site, its creation has a greater community benefit through a 16% increase in publically available car parking within MacKay Street.

If the on street car parking is taken into account in the reduction of car parking, being considered is for four spaces.

Other factors to consider in relation to the applicants reduction in the car parking is the use of the facility. Many of the services offered by the organisation are offered through allied health and off site services, which significantly reduces levels of patrons visiting the site. A community bus parking space is available for community groups to more efficiently travel to the site and further reduce any demand on car parking on the site and surrounding area.

The development also makes provision for bicycle facilities, with the ability to store upto 20 bicycles. It is considered that these facilities accompanied with the provision of shower and toilet facilities for staff further encourage employees to cycle to work, therefore reducing demand on car parking.

Consideration must also be given to the sites location and the availability of public transport within the surrounding area. It is acknowledged that the site is located within the CAA, which increases its relationship to Wangaratta public transport system, including the major public transport hub being the Wangaratta Train Terminal.

It should be noted that under the provisions of the Wangaratta Planning Scheme, Council cannot accept a cash contribution to offset any reduction in car parking, unless it is specified in the Car Parking Overlay, which is currently not the case.

Therefore, Council must consider the reduction of the spaces on its merit alone. On balance and considering all the factors discussed and on-site observations, it is considered that the reduction in car parking is appropriate for the development. The applicant has commenced proceedings to ensure a lease over the adjoining land and is comfortable with an appropriate condition that re-enforces this requirement.

Conclusion

The application has been assessed against the policy and requirements of the Wangaratta Planning Scheme.

The redevelopment of the land is considered to be a benefit for the surrounding area, with a use which complements many of the surrounding land uses and located in the proximity to complimentary facilities including the Wangaratta Regional Hospital located in Green Street.

On balance it is considered that the proposal is worthy of support subject to conditions of permit.

Recommendation

That Planning Application No. 13/113 for the Development and Use of a Community Health Centre (Medical Centre, Associated Offices & Community Meeting Room) and a reduction in the car parking requirements of Clause 52.06 on land at 45-47 Mackay Street, Wangaratta subject to the following conditions:

- 1. Before the development commences, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:***
 - a) Deletion of the playground facility located on the eastern side of the site.***
 - b) The landscaping plan as required by condition 3 of the permit.***
 - c) All vehicle crossovers must be located a minimum of 3 metres from the street tree located within the southern section of the MacKay Street Road reserve.***
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.***
- 3. Before the development commences, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The***

landscaping plan must be generally in accordance with the landscape concept plan submitted with the application, except that the plan must show:

- a) a survey (including botanical names) of all existing vegetation to be retained and/or removed, and details of how this will be protected during construction**
- b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary**
- c) details of surface finishes of pathways and driveways**
- d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant**

All species selected must be to the satisfaction of the responsible authority.

The landscape plan must also indicate that an in-ground drip irrigation system is to be provided to all landscaped areas / or how the landscaping will be maintained over time.

- 4. Before the use commences or at a later date as approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.**
- 5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.**
- 6. Prior to the development (including demolition) commencing, a tree protection fence must be erected around the street trees at a distance of 1 metre past the tree canopy to define a 'Tree Protection Zone'. The fence must be constructed of (specify star pickets and chain mesh or similar) to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed.**
- 7. Before the development commences, the ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch. The Tree Protection Zone must be watered regularly to the satisfaction of the Responsible Authority**
- 8. Except with the prior written consent of the responsible authority, within the Tree Protection Zone:**
 - a) No vehicular or pedestrian access, trenching or soil excavation is to occur.**
 - b) No storage or dumping of tools, equipment or waste is to occur. (Specify other activities).**

9. ***Before the development commences, the owner/applicant must undertake a Site Assessment from a suitably qualified environmental professional, which includes investigation of potential ground water contamination on the land to the satisfaction of the Responsible Authority.***
10. ***Following the outcome of the Site Assessment required by condition 9 of this permit, if any level of contamination has the potential to adversely impact on the beneficial uses of the land or groundwater, the owner / applicant must undertake the following:***
 - a) ***Prior to use commencing, a Certificate of Environmental Audit or a Statement of Environmental Audit (with or without conditions) must be obtained for the land and supplied to the Responsible Authority in accordance the requirements of the Environmental Protection Act 1970, and must be conducted by an Environmental Auditor appointed under that Act.***
 - b) ***Any conditions for use and development included in any Statement of Environmental Audit, must be complied with as part of this permit. (Where there is conflict between the conditions of the Audit and this permit, the conditions of the Environmental Audit will prevail).***
11. ***Prior to construction works commencing on site, a site management plan that details control measures must be used for stormwater and silt management on the site during construction must be submitted to and approved by the Responsible Authority.***
12. ***No construction materials or earth must be placed or stored outside the site area or on adjoining road reserves. This does not apply to road or footpath construction works on adjoining roads required as part of this permit.***
13. ***All works associated with this development must be carried out in accordance with the 'Keeping Our Stormwater Clean – A Guide For Building Sites' publication.***
14. ***Before the development commences, a schedule of construction materials, external finishes and colours (incorporating [insert details, for example paint samples]) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.***

15. *The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:*
- a) *transport of materials, goods or commodities to or from the land;*
 - b) *appearance of any building, works or materials;*
 - c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - d) *presence of vermin; and*
 - e) *others as appropriate.*
16. *Except with the prior written consent of the Responsible Authority, the use may operate only between the hours of (insert operating times and days).*

<i>Medical Centre</i>	<i>8.00am – 5.30pm Mon – Fri Extended hours on Thursday till 6.30pm</i>
<i>Community Meeting Room</i>	<i>8.00am – 10pm Mon – Fri</i>

17. *Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.*
18. *All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.*
19. *No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.*
20. *All pipes, fixtures, fittings and vents servicing any building on the site, other than storm water down pipes, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.*
21. *No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the Responsible Authority.*
22. *Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.*
23. *External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.*

- 24. Before the use commences, no fewer than 65 car spaces must be provided on the land or on land in the immediately surrounding area for the use and development, including 2 spaces clearly marked for use by disabled persons, to the satisfaction of the Responsible Authority.**
- 25. Before the use commences, signs to the satisfaction of the responsible authority must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres.**
- 26. The applicant must undertake, or cause to be undertaken, full construction of all new roads, footpaths, parking areas,(including on-street carparking), drainage and related infrastructure. All the works must conform to plans and specifications prepared at the expense of the applicant by a qualified Engineer, and approved by the Responsible Authority before construction begins on site.**
- 27. Unless special exemptions have been agreed upon, plans and specifications will be approved only when the Responsible Authority is satisfied that all the relevant works comply with the Infrastructure Design Manual [IDM], the Urban Stormwater: Best Practice Environmental Management Guidelines 2006, published by CSIRO, and all relevant permit conditions.**
- 28. All storm-water deposited on, and being transferred through, the site must be collected and conveyed by underground pipes to a legal point of discharge identified by the Responsible Authority.**
- 29. The applicant must provide sufficient on-site detention to limit the total peak discharge rate from the subject property in a 10-year ARI event to the maximum available network capacity of 20 litres/second, and must submit all relevant designs and calculations for approval by the Responsible Authority before construction begins on site.**
- 30. Adequate overland and/or underground flood pathways must be established to deal with the peak storm-water flow deposited on, and being transferred through, the site during 100-year ARI events.**
- 31. Prior to construction commencing on the site:**
 - a) a detailed drainage plan with computations, incorporating provision for sufficient on-site detention to limit the peak outflow to 20 litres/second, must be prepared in accordance with Section 19 of the IDM, and be approved by the Responsible Authority; and**
 - b) should the on-site detention systems require that water be stored in a reservoir with a surface level above the ground level in an adjacent property, the containment structures must comprise**

durable and impervious materials, and be designed and constructed to the satisfaction of the Responsible Authority; and

- c) the Responsible Authority must be satisfied that the surface storage arrangements will prevent stored stormwater from entering adjacent properties or reserves, including road reserves; and***
 - d) stormwater drainage plans for the development must incorporate measures to enhance the quality of water discharged from the site and to protect downstream infrastructure and waterways.***
- 36. The applicant must construct, or cause to be constructed, a 1.5m wide reinforced concrete footpath, in accordance with IDM Clause 13.3 and IDM Standard Drawing SD205, across the full frontage of the property to Mackay Street.***
- 37. The applicant must replace the existing spoon drain along the front of the property with Type B2 barrier kerb and laybacks, in accordance with IDM Standard Drawing SD100, and modify the existing pits as necessary to collect storm- water from the new channel.***
- 38. The applicant must construct, or cause to be constructed, a 1.5m wide reinforced concrete footpath, in accordance with IDM Clause 13.3 and IDM Standard Drawing SD205, connecting the existing shared path in Rowan Street to the proposed gate located at the north western corner of the subject land.***
- 39. Vehicles up to and including a standard 8.8m service vehicle must be able to enter and leave the subject property in a forwards direction at all times. All loading and unloading must take place within the curtilage of the subject property.***
- 40. All entry and exit crossovers must be constructed in reinforced concrete in accordance with IDM Standard Drawing SD250.***
- 41. In accordance with Clause 14 of the IDM, the parking requirements for all normal levels of activity associated with the proposed facility must be accommodated on site. All internal parking areas and vehicle access routes for staff and clients must be sealed and drained. Any internal carriageway intended to carry vehicles travelling in opposite directions must be at least 6m wide. The pavement design must take account of the loading associated with traffic concentrations and turning movements by vehicles up to and including 8.8m in length.***
- 42. All internal parking areas and vehicle access routes, and all approved street parking bays on the frontage of the subject property, must be signed and line-marked in accordance with the relevant standards and to the satisfaction of the Responsible Authority.***

- 43. All footpaths and pedestrian crossings which connect directly to Council footpaths must be designed and constructed in accordance with IDM Clause 13.3.**
- 44. All parking areas and access routes must be provided with appropriate lighting in accordance with the relevant Australian Standards, including the current issue of AS/ANZ 1158 - Lighting for Roads and Public Spaces.**
- 45. Traffic calming measures, signage and appropriate warning measures must be designed and installed to secure pedestrian safety on the footpaths and within the complex, and special precautions taken to avoid any conflict between pedestrians and vehicles engaged in loading and unloading, in a manner and to an extent satisfactory to the Responsible Authority.**
- 46. Before the works commence, a site management plan detailing the measures to be taken to control stormwater discharge and sedimentation on the site during the construction process must be submitted to, and approved by, the Responsible Authority.**
- 47. The applicant must ensure that all practicable measures are taken to maintain vehicle and machinery hygiene, and to avoid the spread of soil-borne pathogens and weed seeds.**
- 48. No excavated or construction materials may be placed or stored outside the site area or on the adjoining road reserves, except where the materials are required in connection with any road or footpath construction works in such reserves that are required as part of this permit.**
- 49. All areas within the road reserve that have been disturbed in the course of the works must be reinstated in a manner, and to an extent, satisfactory to the Responsible Authority.**
- 50. Before undertaking any works on public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.**
- 51. This permit will expire if one of the following circumstances applies:**
 - a) the development and use are not commenced within two years of the date of this permit; and;**
 - b) The development is not completed within four (4) years of the date of this permit; Or;**
 - c) If commenced within two years, the use is then discontinued for a period of two years of the date this permit was issued.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

Permit Notes:

No advertising or Business Identification signs where approved as part of this permit, a separate planning permit is required for any signage.

Communication

That the applicant and objectors be advised of Council's decision.

Attachments:

Attachment 1 – Site Map

Attachment 2 – Development Site Plan & Building Elevations

11.2.3 COMMUNITY WELLBEING

11.2.3.1 ADOPTION OF MUNICIPAL FIRE MANAGEMENT PLAN

Fire Prevention

77.020.001

Introduction

This report seeks Council's adoption of the Municipal Fire Management Plan 2013 – 2015 as a sub-plan of the Municipal Emergency Management Plan.

The obligation to develop a municipal level integrated fire management plan is contained within the *Country Fire Act 1958*. The form and content of the plan is largely prescribed by the State Fire Management Planning Committee and the *Emergency Management Manual of Victoria* (EMMV).

Council was provided with a comprehensive brief on the development of the plan in May 2013. Public consultation was carried out during the month of June 2013 with the draft plan available at the Council offices, as well as being widely distributed and advertised locally.

Background

Since the Black Saturday Bushfires in February 2009 and the subsequent Victorian Bushfire Royal Commission (VBRC), significant changes have occurred in approaches to fire management planning. Fire management planning, which replaces fire prevention planning and incorporates the principles from the Victorian Bushfire Royal Commission of the protection of human life and concept of shared responsibility is one such change. This change for local government is reflected in the shift from municipal fire prevention, with a focus on municipal activities such as fuel reduction works to an integrated, multi-agency approach to fire management planning.

As part of this approach, the Rural City of Wangaratta has chaired the development of the *Municipal Fire Management Plan 2013-2015* (MFMP). The *Draft Municipal Fire Management Plan 2013-2015* was submitted to Council at the May 2013 meeting and endorsed for public exhibition.

The *Municipal Fire Management Plan 2013-2015* is not a response plan, nor does it cover localised fire prevention works, rather it is a plan that identifies high level fire risks and factors that contribute to fire risk as well as the treatments applicable to management and mitigate these risks. The Plan encourages municipalities to consider the risk posed by fire (predominantly bushfire risk) and appropriate responses to these risks.

The development of the *Municipal Fire Management Plan 2013-2015* has been undertaken by the Municipal Fire Management Planning Committee, a sub committee appointed by the Municipal Emergency Management Planning Committee (MEMPC). Development of the Plan commenced in early 2012.

The Municipal Fire Management Planning Committee is a broad based committee consisting of key Council emergency management and environment staff; Country Fire Authority (CFA); the Department of Sustainability and the Environment (now the Department of Environment and Primary Industries); Parks Victoria; and other organisations as required from time to time.

The Plan consists of four key parts:

1. An engagement and communication section;
2. Environmental scan (an overview of local conditions);
3. Municipal fire management objective; and
4. Fire management risk and treatment strategy section and a section of plan improvement and reporting.

The *Municipal Fire Management Plan 2013-2015* has a three year 'life' but will be reviewed on an annual basis to ensure that new risks have been identified and appropriate risk treatments allocated to them. The Plan will be audited every three years under the *Country Fire Authority Act 1958*.

Reporting requirements for the *Municipal Fire Management Plan 2013-2015* are under development and the Plan will be implemented and monitored by the Municipal Fire Management Planning Committee and the Hume Region Fire Management Committee.

Issues

Two responses were received during the public comment period, as well as feedback provided by Council's Agribusiness and Agriculture Committee. These were reviewed and discussed at the Municipal Fire Management Planning Committee Meeting on 18 July 2013. A summary of the issues raised has been provided for Council information (***refer attachment***).

Implications

Council Plan Outcomes

Completion of the *Municipal Fire Management Plan 2013-2015* is consistent with the Council Plan activity of promoting a high level of community safety, and meets the objective of supporting our communities to be resilient.

The *Municipal Fire Management Plan 2013-2015* promotes high levels of interagency cooperation and an integrated approach to planning and responding to fires.

The Municipal Fire Management Plan 2013-2015 replaces the Municipal Fire Prevention Plan.

Sustainability

Council obligations in relation to fire management planning and risk mitigation responses are not substantially changed or increased under this plan.

Community Engagement

The Draft Plan was placed on public exhibition between the 31 May 2013 and the 1 July 2013. The Plan was distributed to key stakeholders; and made available at the Council offices, via Council's website, and at selected sites including milk bars/general stores and post offices across the municipality. Advertisements regarding the public exhibition period were placed in the *Wangaratta Chronicle* and on local noticeboards in rural areas.

Conclusion

Adoption of the *Municipal Fire Management Plan 2013-2015* ensures that the Municipality has an integrated fire management plan that can be implemented and reported against as required.

Adoption of the Plan fulfils a statutory requirement under the *Country Fire Authority Act 1958*.

The final version of the *Municipal Fire Management Plan 2013-2015* has been provided with this report for Council information (**refer attachment**).

Recommendation

That Council resolves to adopt the attached Municipal Fire Management Plan 2013 – 2015 as a sub-plan of the Municipal Emergency Management Plan.

Communication

The finalised Plan will be placed on the Council website and distributed to relevant stakeholders. Limited printed copies will be available at Customer Service upon the initial release of the Plan.

11.2.3.2 BATCHELOR'S GREEN KINDERGARTEN

Batchelor's Green Kindergarten

64.020.002

Introduction

This report seeks Council's approval for the long term management of the Batchelor's Green Kindergarten by the Wangaratta Children's Services Centre from 1 January 2014 and beyond.

The previous Council endorsed the management of the kindergarten program for 2012, and recommended the retention of the service for a further 12 month period, concluding at the end of 2013 with the view that the North East Regional Preschool Association (NERPSA) would become the managing body.

Background

Wangaratta Children's Services Centre is a business unit of the Rural City of Wangaratta delivering Long Day Care, Family Day Care and Kindergarten in the Rural City of Wangaratta and surrounding districts and a Maternal and Child Health Service (Contracted to Ovens and King Community Health Services).

In 2011 Rural City of Wangaratta was successful in obtaining a capital grant for the children's centre to provide additional kindergarten places. Stage Two building works comprised the addition of two children's rooms with a capacity of twenty-two children per room per day. The first kindergarten program commenced operations in 2012, with twenty-two children enrolled. Through community and stakeholder consultation the program adopted the name "Batchelor's Green Kindergarten".

Council is responsible for the provision of infrastructure and ongoing maintenance of all nine kindergartens within the municipality. Five of these are managed by NERPSA; two are operated by community committees; one by a primary school; and the Batchelor's Green kindergarten currently by Council. Six of these kindergartens are based in Wangaratta, with one each in the rural towns of Glenrowan, Moyhu and Whorouly.

The Council of Australian Governments National Partnership Agreement on Early Childhood Education was signed in November 2008, with the aim that by 2013 every child will have access to a kindergarten program in the year prior to school. The Commonwealth Government has committed \$970 million over 5 years for this reform, including \$210.6 million for Victoria. The Department of Education and Early Childhood Development (DEECD) is responsible for leading implementation of Universal Access to 15 hours of kindergarten.

The current Department of Education and Early Childhood Development "Evaluation of Victorian children's centres" Framework and Guiding Principles to support the establishment and operation of children's centres have been developed through consultation with early years' service managers and practitioners, discussion with, and feedback from, members of the project reference group, and an analysis of the finding of the literature review.

These are:

- Principle 1: Governance and planning are informed and inclusive;
- Principle 2: Service philosophy and provision are driven by the needs of children and their families;
- Principle 3: Child, family and community participation is actively promoted and supported;
- Principle 4: Professional practice is based on respectful relationship; and
- Principle 5: Children’s centre practices and programs are evaluated and reviewed

The framework goes on to breakdown each Principle into “attributes” of either:

1. “Our centre exhibits the attributes of a co-located early childhood service” or;
2. “Our centre exhibits the attributes of a partially integrated early childhood service” or;
3. “Our centre meets the attributes of an integrated early childhood service”.

The aim of “our centre” is to always strive towards achieving an integrated children’s centre. “Integration is a strategy to achieve improved outcomes for children and families (a means to an end)” (Moore 2007).

Issues

There have been ongoing discussions between Council and North East Regional Preschool Association regarding the possibility of long term management of the Batchelor’s Green Kindergarten prior to Stage Two building works commencing.

The North East Regional Preschool Association is a community based kindergarten cluster management organisation that currently manages three kindergartens in Wangaratta; a kindergarten and occasional care service in Moyhu; a kindergarten and occasional care service in Glenrowan; and a kindergarten in Violet Town.

The North East Regional Preschool Association declined to manage the Batchelor’s Green service for 2012 and 2013 due to limited resources. There has since been no indication from North East Regional Preschool Association that they will consider management of the kindergarten in the future.

The previous Council endorsed the management of the kindergarten program for 2012 and recommended the retention of the service for a further 12 month period concluding at the end of 2013 with the view that North East Regional Preschool Association would become the managing body.

Currently the Batchelor’s Green Kindergarten program is operating in one room at maximum capacity with two groups of twenty-two children with the same two staff working together across both groups (Group A attends Monday and Tuesday, and Group B attends Thursday and Fridays). The program meets Universal Access requirements with all children accessing 15 hours of kindergarten per week per child (7.5 hours per day).

At this stage, Batchelor's Green Kindergarten is the only kindergarten in Wangaratta offering families the longer sessions. Families were surveyed the previous year and they indicated their preference for the longer day model.

Implications

Demand for kindergarten places across Wangaratta has now settled with no children on the waiting list for kindergarten places and some services have vacancies available.

Currently staff working at Wangaratta Children's Services has the capacity to work across all three programs, including staff employed in the Child Care Centre. This allows greater flexibility and backfill when required reducing the amount of casual staff/cost to the service.

To facilitate the integrated approach for families, enrolment forms, philosophy, policies and other paperwork have been developed and implemented to incorporate the three services. Families simply tick a box to indicate their choice of service.

Wangaratta's Children's Service Centre is unique due to the fact that it is an integrated children's services hub offering Long Day Care, Family Day Care, Kindergarten, Maternal and Child Health and on completion of Stage 3 building works later this year, Noah's Ark and Scope, offering families a multi-disciplinary approach to services. (MAV and the Department of Education and Early Childhood Development support and promote an integrated model of service which demonstrates sound governance, effective work practices and access to a broad educational knowledge base, and in most cases in Victoria this is Local Government).

During 2012, when the Batchelor's Green Kindergarten was in operation for the first time, staff and management received praise and recognition for the streamlined operation of the service from families on a regular basis. North East Regional Preschool Association have also acknowledged to the Team Leader of Children's Services how well the program is running and how it is well integrated with the other children's services that Wangaratta Children's Centre offer. Further validation of this was received recently when Management staff met with the Department of Education and Early Childhood Development.

To have a part of Wangaratta Children's Services replicated and delivered by an additional external stakeholder, when existing management, professional expertise, staffing, licensing, quality and regulation processes, policies, procedures and other infrastructure are in place would simply be taking a step backwards to achieving integration.

Financial Implications

Under the current arrangements the Kindergarten facility enables joint care arrangements within the kindergarten program for Child Care children within the appropriate age range. This arrangement also enables greater capacity in the Child Care Centre, which is under high demand. If the Kindergarten facility was

under a separate provider it would compromise the number of child care places currently available, which in turn would create a wait list of children in the under three age bracket. The result would adversely impact directly on the Child Care Centre budget.

The 2012 /2013 budget for the Batchelor's Green kindergarten saw a surplus of \$8,058 after taking into account all income and expenditure items. The budget forecast for 2013/2014 shows a continuing surplus of \$10,243 which will be supported by a marginal increase in government subsidies and a significant rise in Family user fees due to the combined impact of increased numbers and 15 hours of service.

Conclusion

The viability of the Batchelor's Green Kindergarten has been demonstrated through the management of the program to operate with a surplus.

Recommendation

That Council resolves to approve the ongoing management of the Batchelor's Green Kindergarten by the Wangaratta Children's Services Centre from 1 January 2014.

Communication

The North East Regional Preschool Association will be advised of Council's decision.

11.2.3.3 DRAFT MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2013 - 2017

Community Wellbeing Plan

75.005.002

Introduction

The purpose of this report is to seek Council's endorsement to place the Draft Municipal Public Health and Wellbeing Plan 2013 – 2017 on public exhibition for a period of 28 days (***refer attachment***).

Background

Victorian councils have a statutory responsibility for health and wellbeing planning under the *Public Health and Wellbeing Act 2008*. The Act strengthens the role of local government as a major partner in the effort to protect public health and prevent disease, illness, injury, disability or premature death, and contribute to national health priorities.

Under the Act all local government authorities in Victoria are required to develop Municipal Public Health and Wellbeing Plans within 12 months of each general election of the council. The Municipal Public Health and Wellbeing Plan is required to set broad goals and priorities over a four year period such as health promoting strategies; planning for age-friendly physical environments and community support; positive ageing strategies; accessible services and programs; and emergency management planning for vulnerable people.

The Act clarifies the respective roles and responsibilities of local and state government regarding public health and wellbeing planning and the following functions of Council:

- Creating an environment which supports the health of local community members and strengthens the capacity of individuals to achieve better health;
- Initiating, supporting and managing public health planning processes at the local government level;
- Developing and implementing public health policies and programs within the municipal district;
- Developing and enforcing up to date public health standards and intervening if the health of people within the municipal district is affected;
- Facilitating and supporting local agencies whose work contributes to the improvement of health and wellbeing in the local community;
- Coordinating and providing immunisation services to children living or being educated within the municipal district; and

- Ensuring the municipal district is maintained in a clean and sanitary condition.

A Municipal Public Health and Wellbeing Plan must:

- Include an examination of data about health status and health determinants in the municipal district;
- Identify goals and strategies based on available evidence for creating a local community in which people can achieve maximum health and wellbeing;
- Provide for the involvement of people in the local community in the development, implementation and evaluation of the Municipal Public Health and Wellbeing Plan; and
- Specify how the council will work in partnership with the Department of Health and other agencies undertaking public health initiatives, projects and programs to accomplish the goals and strategies identified in the Municipal Public Health and Wellbeing Plan.

In addressing the required criteria stated above, Council has collaborated with representatives from a broad cross section of community sectors such as:

- community health services;
- hospital;
- general practice;
- youth and families;
- children's services;
- mental health services;
- housing;
- safety and emergency services;
- non-government organisations;
- aged services;
- transport; and
- education.

Health status data; recent survey work with sectors such as youth, aged, multicultural, families, and rural and urban community plans; and other local health, community and welfare agency plans have been analysed to determine the top health and social issues affecting the municipality.

Six priority areas emerged from this information to address identified issues. These priority areas were validated through a community consultation process that consisted of community focus group sessions. Associated goals and strategies have been developed to guide the work of Council, and health and wellbeing agencies, in achieving improved health and wellbeing outcomes for the local community.

Implications

To comply with the *Public Health and Wellbeing Act 2008* the following timelines need to be met in the development and adoption of a Municipal Health and Wellbeing Plan within 12 months of the general election of Council:

Milestone	Date
Council endorse Draft Municipal Public Health and Wellbeing Plan to be placed on public exhibition for 28 days	17 September 2013
Public exhibition period for comment incorporating a community engagement process	18 September – 15 October 2013
Draft Municipal Public Health and Wellbeing Plan adopted at Special Meeting of Council	22 October 2013
Adopted Municipal Public Health and Wellbeing Plan sent to Minister for Health	25 October 2013

Council Plan Outcomes

Council Plan action 2.2.2.1 In partnership with other agencies review the Community Wellbeing Plan (Municipal Public Health Plan), the Municipal Early Years Plan and develop a Positive Ageing Strategy.

Sustainability

This *Draft Municipal Public Health and Wellbeing Plan 2013 – 2017* has no immediate financial impact. However, resourcing of some actions will require consideration in future Council budgets.

Community Engagement

Council has collaborated with representatives from a broad cross section of community sectors such as: community health services; hospital; general practice; youth and families; children's services; mental health services; housing; safety and emergency services; non-government organisations; aged services; transport; and education.

Conclusion

The Wangaratta Local Health and Wellbeing Partnership was established in 2011 to assist in the implementation and monitoring of the *Municipal Public Health and Wellbeing Plan*. The Partnership consists of representatives from community health services; hospital; general practice; youth and families; children's services; mental health services; public and community housing; safety; non-government organisations; aged services; transport and education sectors.

The Municipal Public Health and Wellbeing Plan identifies key health and wellbeing issues for the Rural City of Wangaratta community; and lists priority goals and strategies to address these. Development, implementation and review

of the Plan provides opportunities for agencies to work together with Council to deliver integrated services and programs that contribute to the realisation of desired health and wellbeing outcomes.

Recommendation

That Council resolves to place the Draft Municipal Public Health and Wellbeing Plan 2013-2017 on public exhibition for a period of 28 days and invite the public to make submissions.

11.2.3.4 RURAL CITY OF WANGARATTA YOUTH COUNCIL ACTION PLAN 2013-2014

Youth Council

10.020.010

Introduction

This report seeks Council's endorsement of the Rural City of Wangaratta Youth Council Action Plan 2013-2014 (*refer attachment*).

Background

The *Rural City of Wangaratta Youth Council Action Plan 2013-2014* separates the Rural City of Wangaratta Youth Council activities into five key areas:

- Communication;
- Leadership Development;
- Community and Environment ;
- Entertainment; and
- National Youth Week

The Plan provides information regarding membership, vision and mission statements for the 2013/2014 Rural City of Wangaratta Youth Council; and outlines proposed events, activities and anticipated budgets.

Issues

In developing the Action Plan the Rural City of Wangaratta Youth Council has taken into consideration a number of pre-determined activities such as redeveloping the Youth Contact Card and Youth Survey; and has also developed some new initiatives such as a revised school holiday program of events.

The development of the *Rural City of Wangaratta Youth Council Action Plan* has been dependent upon the formation of partnerships with other organisations in the community and communication of youth issues with young people.

Implications

Council Plan Outcomes

The *Rural City of Wangaratta Youth Council Action Plan* meets Council's objective to continue to actively participate in networks and partnerships to increase and improve young people's access to community life.

Financial Impact

The costs related to activities identified within the *Rural City of Wangaratta Youth Council Action Plan* will be met within Council's existing budgetary allocation.

Conclusion

The many positive youth and community focused initiatives identified in the *Rural City of Wangaratta Youth Council Action Plan* will have positive outcomes for the community and will connect young people.

Recommendation

That Council resolves to endorse the attached Rural City of Wangaratta Youth Council Action Plan 2013-2014.

Communication

The Rural City of Wangaratta Youth Council will be informed of Council's decision.

11.2.3.5 RURAL CITY OF WANGARATTA YOUTH COUNCIL ANNUAL REPORT 2012/2013

Youth Council

10.020.010

Introduction

The purpose of this report is to present the *Rural City of Wangaratta Youth Council Annual Report* for 2012/2013.

Background

The Rural City of Wangaratta Youth Council is an advisory committee of Council and provides a leadership program which encourages and fosters community spirit and engagement of young people in community activities. The program is open to young people aged 14 to 18 years who reside in the municipality, and has been operating since 1999.

The *2012/2013 Rural City of Wangaratta Youth Council Annual Report (refer attachment)* outlines the activities and achievements of the Youth Council over the past 12 months and is presented in accordance with the requirements of the Rural City of Wangaratta Youth Council Advisory Committee Charter.

Issues

It is appropriate to review the operation of the Rural City of Wangaratta Youth Council program each year, with respect to the established objectives and desired outcomes of the annual *Rural City of Wangaratta Youth Council Action Plan*.

Through strategic planning sessions, the 2012/2013 Rural City of Wangaratta Youth Council developed its Action Plan, which embodied a vision, mission statement and key result areas. The achievements under each key result area are highlighted in the Annual Report.

Implications

Council Plan Outcomes

The Rural City of Wangaratta Youth Council program achieves Council's key strategic activity 2.3.2:

“continue to actively participate in networks and partnerships to increase and improve young people’s access to community life.”

Community Engagement

The *2012/2013 Rural City of Wangaratta Youth Council Annual Report* was prepared in consultation with the Rural City of Wangaratta Youth Council and under the guidance of Rural City of Wangaratta Council’s Youth Development Officer.

Recommendation

That Council resolves to receive and note the 2012/2013 Rural City of Wangaratta Youth Council Annual report.

Communication

The achievements of the Rural City of Wangaratta Youth Council will continue to be promoted to the general public through the media, schools and other agencies.

11.2.4 INFRASTRUCTURE SERVICES

11.2.4.1 NAMING OF RESERVE AT TONE ROAD, WANGARATTA

Place/Road Naming

73.020.014

Introduction

This report outlines a request received from the Wangaratta RSL to name a reserve at Tone Road, Wangaratta.

Background

A letter has been received from the Wangaratta RSL Sub-Branch Inc. seeking the naming of a reserve beside the rail overpass at Tone Road, Wangaratta in recognition of Percy Tippet.

Prior to the standardisation of the Albury to Melbourne rail line in 1962 and the consequent construction of the rail overpass there were several small houses on the defined land above. The Tippet family were the property owners of one of these houses.

The Tippet family has been associated with Wangaratta for more than 100 years and some family members including Percy worked for the Victorian Railways.

In 1962 the properties on the land in question were compulsorily acquired by the Victorian Railways Department as part of the rail standardisation project and the unused portion (marked in red on the map below) is a Council owned reserve.



The letter from the RSL included the following information about Mr Tippet.

“Percy, aged 19 was one of the first young men from Wangaratta to enlist in the first Australian Infantry Forces and was posted to the 6th Infantry Battalion on 19 October 1914. On 25 April 1915 Percy was in the initial landings at Gallipoli when he was seriously wounded. He was retrieved and taken to a transport ship for medical attention but unfortunately he died from his wounds on 28 April 1915. He was buried at sea, off the Gallipoli coast. Percy was the first soldier from the district who died in action.”

The Place Naming Committee had previously recommended the name of Tippet be added to the list of approved names for use in the future.

In 2015 Australia will mark the 100 year anniversary of the Anzac forces landing at Gallipoli. During the Anzac centenary period (2014–18), the Victorian government is conducting a commemorative naming project in partnership with naming authorities, primarily councils. The project is an opportunity for Victorians to acknowledge the wartime service and sacrifice of their local municipality’s military service people or locals who supported Australia’s military cause.

The Wangaratta RSL also requested that funding be sought through the Commemorative Naming Project for a plaque to be placed at the reserve.

The Place Naming Committee will consider other activities that may be possible through the project in the future.

Implications

Council Plan Outcomes

The proposed naming of the reserve fits with the objective in the Council Plan to plan for and provide infrastructure appropriate to the community’s needs.

Policies

Policy for Naming Roads, Streets and Other Accessways.

Conclusion

From the information provided in the proposal from the Wangaratta RSL, including background from the Wangaratta Historical Society, this naming proposal is considered to meet the criteria under the ANZAC Commemorative Naming Project, the Guidelines for Geographic Names and Council policy.

The Place Naming Committee therefore recommends that Council advertise its intention to name the reserve as shown on the location map above as the “Percy Tippet Reserve”.

Recommendation

That Council resolves to advertise its intention to name the reserve as shown on the location map above as the “Percy Tippet Reserve”.

Communication

Advertisements will be placed in the Wangaratta Chronicle and on Council’s website seeking comment and feedback will be sought from referral authorities.

11.2.4.2 CONTRACT NO C1314-003 – RESEAL OF VARIOUS ROADS WITHIN THE MUNICIPALITY

Resealing of Various Roads within the Municipality

30.075.003

Contract Details

Tenders for the resealing of various roads with in the municipality were invited through advertisements as follows:

Newspaper

Date

Wangaratta Chronicle

19 July 2013

Also Electronically

Tenderlink

19 July 2013

Tenders closed at 2.00pm on Tuesday 13 August 2013. There was no pre-tender meeting for this contract.

Evaluation Panel

The evaluation panel for this tender comprised Council's Manager – Projects & Contracts, Senior Engineer Contracts and Manager – Works & Operations.

Tenders Received

Four tenders were received as follows:

Tenderer
Sprayline Pty Ltd
Boral Asphalt
Downer EDI Works Pty Ltd
GW &BR Cramer Pty Ltd

Pricing schedules submitted by the tenderers were tabulated to allow direct comparisons of scheduled items.

To ensure this direct and fair comparison of tendered prices, the bitumen application rates were standardised and the tendered prices were adjusted to reflect this standardisation.

All four tenders were deemed by the evaluation panel to be conforming in accordance with the Conditions of Tendering.

Tender Evaluation

The tender was evaluated in accordance with evaluation criteria set out in the Conditions of Tendering. The evaluation criteria is based upon a Weighted Attribution Method as follows:

Criteria	Description	Weighting
Tender Price	Total price of the work	50%
Capacity to carry out contract works	Contractors capacity to perform contract works and experience and past performance in previous similar works	40%
Materials	Selection of suitable materials and binder/aggregate rates	5%
OHS systems	Contractor's commitment to OHS	5%
	Total	100%

Price is generally the most important criterion in determining if value for money is being achieved. Consequently, it has been given a very high weighting of 50%.

Capacity to carry out the works is also a critical evaluation criterion and consequently this has also been given a relatively high weighting of 40%.

Materials are an important consideration, as they affect the quality and durability of the end seal.

OH&S Systems and commitment to OH&S is a serious consideration in assessing a tenderer.

Panel members assigned a score (maximum 100) to each criteria (as shown below) and then weighted the average score to produce a final Weighted Attribution Method Score.

P	Evaluation Result	Criteria
100	Exceptional	Demonstrated capacity exceeds all required standards and innovations proposed.
90	Excellent	Demonstrated capacity exceeds all required standards.
70	Good	Complies with all required standards and capacity demonstrated.
50	Satisfactory	Complies with relevant standards without qualifications.
30	Marginal	Complies with relevant standards with qualifications.
0	Unsatisfactory	Fails to satisfy required standards.

The summary of the scores obtained by the weighted attribution method are as follows:

Tenderer	Score
Sprayline Pty Ltd	65
Boral Asphalt	68
Downer EDI Works Pty Ltd	52
CW & BR Cramer Pty Ltd	57

The higher value reflects the more favourable assessment. From this method of assessment, Boral Asphalt was deemed to be the preferred tenderer.

General

The resealing contract provides for the renewal of the sealed surface of the road pavement. The sealed surface provides a number of functions, primarily:

- A water proof membrane to protect the road pavement asset;
- A wearing surface; and
- An abrasive surface to provide traction and stopping resistance to vehicles.

The tender contained schedules for sealing works and for line marking.

The specification detailed Council's preference for "dark stone" seal and scrapped rubber as the additive where additional flexibility and durability is required.

Budget Considerations

This tender is based on schedules of rates and quantities and the scope of works will be adjusted to meet the available budget.

Each item in the program is subject to contractor claims based on field measurement and final application rates.

Conclusion

The tender of Boral Asphalt is the lowest priced of all tenders and scored highest under the Weighted Attribution Method.

It is recommended that the tender from Boral Asphalt be accepted and the works program limited to the available budget.

Recommendation

That Council resolves to:

- 1. award Contract C1314-003 for the Resealing of Various Roads within the Municipality to Boral Asphalt, based on their schedule of quantities of rates (subject to adjustment);***
- 2. sign and seal all relevant Contract documents for C1314-003 for the Resealing of Various Roads within the Municipality when available; and***
- 3. disclose the contract price inclusive of GST, for Contract C1314-003 for the Resealing of Various Roads within the Municipality***

11.3 SPECIAL COMMITTEE REPORTS

11.4 ADVISORY COMMITTEE REPORTS

11.4.1.1 SPORT AND RECREATION ADVISORY COMMITTEE REPORT

Sport and Recreation Advisory Committee

61.010.003

Introduction

The Sport and Recreation Advisory Committee held a meeting on 5 August 2013.

Attendees: Councillor Don Joyce, Laurie Johnston, John O'Donohue, Leon Newton, Cassy Campbell, Anne Bittner, Wayne Tennant, Sofia Kennedy (Youth Council), Patti Wenn (Acting Director Community Wellbeing), Leonie Painter (Manager Community and Recreation), Marcus Forster (Recreation Planner).

There were no declarations of conflict of interest.

The following items from the meeting are reported for Council's information:

1. The Committee was briefed on feedback from the recent Sports Forums held on 1 and 2 July, 2013. Evaluation results were reviewed, with a particular focus on community responses to possible future forum subjects.
2. Eligible projects for grant applications were reviewed. Current grant programs include: Country Football Netball Program; and the Community Facilities Funding Program.
3. Results from the Sporting Clubs and Organisations Survey were reviewed. Further work will be undertaken on the findings, specifically the comparison to current State trends in recreation and local demographics.
4. A survey investigating the recreational needs of young people (12-25 year olds) is underway.
5. Potential sport and recreation projects were reviewed. The Committee provided feedback on prioritisation and strategic implications.

Recommendation

That Council resolves to receive and note the report.

11.4.1.2 AUDIT ADVISORY COMMITTEE MEETING REPORT

Audit Advisory Committee

51.020.004

Introduction

The Audit Advisory Committee held a meeting on 28 August 2013 with the following members in attendance:

Committee Members:

Mr Peter McNeill (Chair); Councillor Rozi Parisotto;. Councillor Paul O'Brien; Ms Joanne Ryan.

In Attendance:

Mr Kelvin Spiller, Acting Chief Executive Officer; Mr Peter Mangan, Acting Director-Sustainability; Mrs Ruth Kneebone, Manager-Finance; Mr Stephen Clarke, Johnsons MME (Internal Auditor); Mr Warren Sinnott, Richmond, Sinnott and Delahunty (External Auditor); Ms Heather O'Brien, Minutes.

Apologies:

Mr Anthony Grieves.

No conflicts of interest were declared.

The following items were discussed at the meeting:

- Internal Audit Reports;
- 2012/13 Revaluation of Non-Current assets, Financial Report, Standard Statements and Performance Statement,
- Monthly finance report;
- Works and activities report;
- Council Plan – progress report;
- Key Performance Indicators as at 30 June 2013;
- Status of internal audit recommendations;
- Risk profile and risk mitigation actions;
- New Council policies and amendments;
- Introduction of new accounting policies and accounting standards;
- Compliance matters;
- Audit Advisory Committee Biennial Agenda;
- Audit Advisory Committee Action Sheet items.

The following items from the meeting are reported to Councillors for information.

Internal Audit Reports

An internal audit examination of Council's contract management procedures was reported in July 2012. In accordance with the endorsed Internal Audit Program for 2012/13, an internal audit review has been conducted into the status of the

recommendations detailed in the 2012 findings report. The results of this review were presented to the Committee.

2012/13 Revaluation of Non-Current assets, Financial Report, Standard Statements and Performance Statement

Council's external auditor, Richmond Sinnott & Delahunty performed the audit of Council's draft financial reports on the 22-23 August. Audit engagement partner Warren Sinnott attended the meeting and provided a draft closing report on the audit findings. The Financial Report, Standard Statements and Performance Statement for the financial year ended 30 June 2013 are provided for approval 'in principle' in an earlier report in this Council meeting agenda.

Risk Profile and Risk Mitigation Actions

It was reported that Council is progressing towards an enterprise risk management and reporting framework by consolidating current registers and reports into a coordinated risk management regime.

Compliance Matters

It was noted that there are a number of instances of alleged breaches of Council's Code of Conduct by Councillors and generally involving Councillors.

Recommendation

That Council resolves to receive and note the report.

11.4.1.3 PLACE NAMING ADVISORY COMMITTEE – MEETING REPORT

Place Naming Committee

73.020.014

Introduction

The Place Naming Committee (PNC) held a meeting on Wednesday 21 August 2013 with the following members in attendance:

Cr Rozi Parisotto (Chair), Peter Godfrey, Sandra Dalton, Ken Jenvey, Beryl Bellis, Marg Pullen, Val Gleeson, Helen Guilfoyle, Ivan Tippet, Ken Miller and Jane Kaye.

A conflict of interest was declared by Ivan Tippet in relation to the naming of a reserve.

The following items were discussed at the meeting:

- Anzac Commemorative Naming Project;
- Naming of Cemetery Roads;
- Research for Street Naming History – ongoing;
- Planning referral for 17 lot subdivision at 53 Old School Road, Waldara; and
- Request for a dedication plaque

The following items are reported for information:

Request to Name a Reserve in Recognition of Percy Tippet

The Wangaratta RSL has submitted a proposal to name a reserve in recognition of Percy Tippet under the Anzac Commemorative Naming Project. A report is located elsewhere in the agenda.

Unnamed Road in Londrigan

Sub-committee further researching names for unnamed road.

Proposal to Name Unnamed Road between Wattle Range Road and Faithfulls Road, Tolmie

A sub-committee is researching names for the unnamed road. The results will be considered at a future Committee meeting.

Recommendation

That Council resolves to receive and note the report.

12. RECORDS OF ASSEMBLIES OF COUNCILLORS

An “Assembly of Councillors” is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision and is either of the following:

- a meeting of an advisory committee where at least one Councillor is present; or
- a planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

At an assembly of Councillors, a written record is kept of:

- d) the names of all Councillors and members of the Council staff attending;
- e) the matters considered;
- f) any conflict of interest disclosures made by a Councillor attending; and
- g) whether a Councillor who has disclosed a conflict of interest leaves the assembly.

The written record of an assembly of Councillors is, as soon as practicable:

- a) reported at an ordinary meeting of the Council; and
- b) incorporated in the Minutes of that Council meeting.

Date	Meeting details	Refer
10-09-2013	Draft Agenda and Deputations Meeting	Attachment
5-09-2013	Staff and Media Matters	Attachment
4-09-2013	Eldorado Community Information Meeting	Attachment
28-08-2013	Audit Advisory Committee	Item 11.4.1.2
27-08-2013	Councillors Briefing Forum	Attachment
22-08-2013	CEO, Councillors and Legal Meeting	Attachment
21-08-2013	Place Naming Advisory Committee	Item 11.4.1.3
20-08-2013	Prior to Ordinary Meeting	Attachment
5-08-2013	Sport and Recreation Advisory Committee	Item 11.4.1.1

Recommendation:

That:

- 1. Council receive the reports of Assemblies of Councillors, and***
- 2. the items listed below remain confidential in accordance with S.77 of the Local Government Act on the grounds that they relate to one or more of the following matters:***
 - a. Industrial matters;***
 - b. Contractual matters;***
 - c. Proposed developments; and***
 - d. a matter that would prejudice the Council***

(i) Councillor’s Briefing Forum dated 27 August 2013:

4.2.3.3 - Tourism Special Events Funding Program 2013/2014

4.2.3.4 - Tourism Visitor Attraction Events Funding Program

4.2.4.1 - Planning Permit Timelines

4.2.4.2 - Draft Rural City Of Wangaratta Population And Housing Strategy

4.2.4.3 - Rate Arrears Collection Practices

4.2.4.4 - Restoration Of Keith Hall, 211 Farmers Road Everton Upper

4.2.5.2 - Wangaratta Liquor Accord

4.2.5.4 - Draft Multicultural Strategy

13. NOTICE OF MOTION

13.1.1.1 NOTICE OF MOTION NO. 56

Notice of Motion

10.010.010

Councillor Julian Fidge has given notice of his intention to move the following motion:

‘THAT Council respectfully request the Acting CEO to consider creating the position of Director of Planning, and consider filling extant Council staff for this position.’

Background

Planning is a large and fundamental function of the Rural City of Wangaratta.

Council planners make most of the planning decisions that affect its municipality. For example, it decides whether or not to grant a planning permit for a new use or development, and what permit conditions are appropriate. The council’s planning department provides information and advice about the planning scheme, and processes and coordinates planning proposals for council’s consideration.

Because planning is such an important part of Council's work the planning department should have a manager who is at Director level and who attends and participates in Council meetings.

Council should consider planning serious enough to elevate it to this level.

13.1.1.2 NOTICE OF MOTION NO. 57

Notice of Motion

10.010.010

Councillor Julian Fidge has given notice of his intention to move the following motion:

‘THAT Council respectfully request the Acting CEO consider creating the position of Director of Finance, and consider extant staff for this position.’

Background

The financing of Council's operations is obviously fundamental to Council's ability to deliver infrastructure and services to the community. Council's budget will probably be around \$60 million dollars next financial year, will continue to be complex and will continue to have to balance many closely competing projects.

In the past, finance manager has effectively worked at the Director level, attending Council meetings and briefing Councillors in the same manner as Directors. This proves that there is both a need for the financial manager to be at the Director level and regularly attending Council meetings to properly inform Council, and that the present arrangement of having the financial manager at a lower level than required is not working properly.

It is also unfair in that the financial manager performs the duties of Director, but is not properly recognised or compensated for carrying out these higher duties.

13.1.1.3 NOTICE OF MOTION NO. 58

Notice of Motion

10.010.010

Councillor Julian Fidge has given notice of his intention to move the following motion:

‘THAT Council respectfully request the Acting CEO consider not appointing an Executive Manager of Economic Development until Council have considered whether this position should be at the Director level.’

Background

Economic development is critical to the success of the Rural City of Wangaratta.

Previously, this position has been at Executive Manager level. Council may elect to request this position be elevated to the Director level.

It would be prudent to postpone appointments to this position until Council has had a chance to consider at what level it wishes this executive to function, rather than appoint an Executive Manager who does not have the education, training or experience to operate at Director level if Council later wishes to elevate this important function to Director level.

14. URGENT BUSINESS**15. AUTHORISATION OF SIGNING AND SEALING OF DOCUMENTS**

Authorisation of Signing & Sealing of Documents 50.010.004

Recommendation

That Council sign and seal Contract C1314-003 for the Resealing of Various Roads within the Municipality.

16. PUBLIC QUESTION TIME

Public Question Time 10.020.004

17. CONFIDENTIAL BUSINESS**18. CLOSURE OF MEETING**