

WANGARATTA RURAL CITY COUNCIL



MINUTES OF THE ORDINARY MEETING
OF THE WANGARATTA RURAL CITY COUNCIL, HELD
IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES,
62-68 OVENS STREET, WANGARATTA
ON **TUESDAY, 18 JUNE 2013** COMMENCING AT 7.00PM

Doug Sharp
CHIEF EXECUTIVE OFFICER

As at 25/06/13 8:49 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

Chairperson: Councillor R Parisotto, Mayor
Councillor N Amery; Councillor T Atkins; Councillor J Fidge; Councillor D Joyce;
Councillor C McClounan; Councillor P O'Brien.

Officers Present:

Mr Peter Mangan, (Acting Director Sustainability); Mr Peter Godfrey (Acting Director Infrastructure Services); and Ms Patti Wenn (Acting Director Community Wellbeing)

Councillor Colin McClounan Elected to Fill the Extraordinary Vacancy

Section 63 of the *Local Government Act 1989* provides that “a person elected to be a Councillor is not capable of acting as a Councillor unless he or she has taken an oath of office”. The declaration must be made before the Chief Executive Officer, recorded in the minutes of the Council, and dated and signed before the Chief Executive Officer.

Councillor Colin McClounan took the Oath of Office, pursuant to the *Local Government Act 1989*, witnessed and signed by the Chief Executive Officer, Mr Doug Sharp, on Friday 14 June 2013 (**refer attachment**).

4. ABSENT

Mr Doug Sharp, (Chief Executive Officer)

5. ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE

ORDER OF BUSINESS

6. CITIZENSHIP CEREMONY

Nil

7. CONFIRMATION OF MINUTES

(Moved: Councillor J Fidge/Councillor T Atkins)

Recommendation:

That Council read and confirm the Minutes of the Ordinary Meeting of 21 May 2013 as a true and accurate record of the proceedings of the meeting.
Carried

8. CONFLICT OF INTEREST DISCLOSURE

Councillor T Atkins declared a conflict of interest in item 11.2.2.7- Planning Permit Application PInapp12/235 – Development of a Community Shed at 2533 Wangaratta-Whitfield road Moyhu Vic 3732, as she is a Board Member of North East Catchment Management Authority .

Councillor N Amery declared a conflict of interest in item 11.2.2.6 – Planning Permit Application PLNAPP13/064 – Removal of Native Vegetation (5 trees) at 12 Dobson Street, Eldorado Vic 3732, as the applicant is a relative.

9. RECEPTION OF PETITIONS

10. HEARING OF DEPUTATIONS

11. PRESENTATION OF REPORTS

11.1 COUNCILLOR'S REPORTS

11.1.1.1 SUSPENSION OF STANDING ORDERS

(Moved: Councillor D Joyce/Councillor J Fidge)

Recommendation

That Council resolves to suspend Standing Orders and bring forward Item 11.2.3.1 - Appointment Of Youth Council 2013/14.

Carried

11.2.3.1 APPOINTMENT OF YOUTH COUNCIL 2013/14

(Moved: Councillor D Joyce/Councillor C McClounan)

Recommendation

That Council appoint the following young people as Youth Councillors to the Rural City of Wangaratta Youth Advisory Committee for a term commencing 2 July 2013 and concluding on 30 June 2014:

<i>Ella Thomas</i>	<i>Wangaratta High School</i>
<i>Max Dewez</i>	<i>Wangaratta High School</i>
<i>Nicholas Lorenz</i>	<i>Wangaratta High School</i>
<i>Sofia Kennedy</i>	<i>Wangaratta High School</i>
<i>Esme Currie</i>	<i>Wangaratta High School</i>
<i>Zoe Matthews</i>	<i>Wangaratta High School</i>
<i>Alex Darbyshire</i>	<i>Wangaratta High School</i>
<i>Nathan Jeffries</i>	<i>Wangaratta High School</i>
<i>Zoe Stinson</i>	<i>Galen College</i>
<i>Isabelle Smith</i>	<i>Galen College</i>
<i>Meg Walch</i>	<i>Galen College</i>
<i>Chloe Hancock</i>	<i>Galen College</i>

Carried

The Mayor will present badges to the new Youth Council.

11.1.1.2 RESUMPTION OF STANDING ORDERS

(Moved: Councillor T Amery/Councillor J Fidge)

Recommendation

That Council resolve that Standing Orders be resumed.

Carried

11.2 OFFICER'S REPORTS

11.2.1 EXECUTIVE SERVICES

11.2.1.1 ADVISORY COMMITTEES – NEW MEMBER NOMINATION PROCESS

Advisory Committees

10.020.008

Introduction

This report is to:

- inform Council of the process to appoint members to its Advisory Committees; and
- request feedback from Council regarding options for applying the process in light of the proposed review of Advisory Committees to Council.

Background

Council currently has seven advisory committees for the purpose of receiving advice from members of the community. They are the:

- Agriculture and Agribusiness Advisory Committee;
- Arts, Culture and Heritage Advisory Committee;
- Audit Advisory Committee;
- Place Naming Committee;
- Sport and Recreation Advisory Committee;
- Wangaratta Unlimited Board (Advisory Committee); and
- Youth Council Advisory Committee.

The committees comprise appropriately skilled representatives of the community as appointed by Council.

With the exception of the Youth Council Advisory Committee, Council appoints members to each of the committees, for a three year term on a staggered basis. Council appoints Youth Councillors to the Youth Council Advisory Committee under a separate process.

Issues

The following table shows the status of positions for each committee:

Committee Name	Vacant	Expiring	Term expiry
Agriculture and Agribusiness Advisory Committee	0	3	5 August 2013
Arts, Culture and Heritage Advisory Committee	0	3	30 June 2013
Audit Advisory Committee	0	1	31 July 2013
Place Naming Committee	1	3	5 August 2013
Sport and Recreation Advisory Committee	0	2	31 October 2013
Wangaratta Unlimited Board	1	3	5 August 2013

The available positions are made up of voluntary vacancies and membership expirations. The membership expirations are as stipulated in individual committee charters - at staggered intervals, and on different dates.

Positions are filled using a skills matrix, specific to each committee.

The following table outlines the proposed timelines for the new member nomination process.

Date	Action
28 May	Forum report for Council discussion regarding new member nomination and appointment process
18 June	Council meeting
19 June	Write to those members whose term is concluding, thanking them for their contribution and inviting them to renominate
21 June	Call for nominations (Wangaratta Chronicle and RCoW website)
19 July	Nominations close
23 July	Addendum Forum Report for Council decision regarding membership recommendations
29 July – 2 Aug	Special Meeting of Council to make appointments – followed by Civic Reception
6 August	New members take up their positions

Implications

The Audit Advisory Committee is a statutory committee established under S139 of the Local Government Act 1989. The Audit Advisory Committee is scheduled

to meet in mid to late August to deal with the financial statements. The vacant positions for this committee will be required to be filled before this meeting.

Council has previously discussed reviewing Council's standing advisory committees. It is understood that the purpose of this review would be to examine the relevance of each committee to Council's strategic direction and operations.

Given the above timelines it is proposed that the process to fill the vacancies within the advisory committees be run as outlined above and that the commencement of the review of the committees be deferred to later in 2013 so as to finish no later than March 30, 2014. This will allow adequate time and notification for the subsequent nomination process next year.

The review will provide the opportunity for Councillors to be briefed on the functions and objectives of each committee – examining the relevance of each committee to Council's corporate direction and operations.

Council Plan Outcomes

1.1.1 Engage the community in decision making for the development of the Rural City of Wangaratta

Policies

Advisory Committee Charters set out the terms and key dates for appointment on an annual basis.

Sustainability

Advisory Committees provide a positive outcome for the sustainability of the local community

Community Engagement

Advisory committees provide the opportunity for 2-way engagement between Council and Community members.

Conclusion

Based on the above information it is recommended that Council proceed with the nomination process for all committees as outlined.

(Moved: Councillor J Fidge/Councillor T Atkins)

Recommendation:

That Council endorse the continuation of the current process to appoint members to Advisory Committees, until such time as it has completed a review of Advisory Committees.

Carried

11.2.1.2 DRAFT MANUFACTURING SECTOR SUPPORT STRATEGY

Manufacturing Strategy

25.020.049

Introduction

This report is provided, as per the request of Council, to allow for the option that Council now adopt the Draft Manufacturing Sector Support Strategy (the Strategy) (*refer attachment*).

Background

The Strategy was initially tabled and received at the 19 February 2013 Council meeting with Council requesting a further briefing which was provided at the 23 April 2013 Councillor's Briefing Forum.

A workshop was held by the Wangaratta Unlimited Board (the Board) to consider the action "*Investigate opportunities to attract major investment into a large scale enterprise*" from the 2012-2015 Tourism and Economic Development Strategy.

In assessing the factors required to attract major investment into the manufacturing sector it was identified that there may be a further role for Council and the Board.

Issues

The following key information was established. The manufacturing sector is economically significant to Wangaratta by:

- contributing 31.4% to the GDP (Hume Region);
- being the largest exporter (Hume Region);
- being the second largest employer (Hume Region); and
- providing 32.6% of the total \$ output for Wangaratta.

The workshop identified roles that Council and the Board could play to support the sector in a difficult economy. These include:

- advocate to State and Federal governments regarding current challenges, pursuit of opportunities and funding support for manufacturing;
- facilitate partnerships and networks which optimise opportunities for the sector as a whole;
- deliver information and support to the sector as appropriate; and
- business attraction, expansion and retention activities (support services or products for existing companies).

Implications

Council Plan Outcomes

Rural City of Wangaratta Council Plan 2009 - 2013

“To promote a strong and vibrant business community consisting of a diverse range of small, medium and large enterprises capitalising on the key competitive strengths of our region.”

Draft Rural City of Wangaratta Council Plan 2009 – 2013

“To create an environment which encourages new and existing businesses to achieve their aspirations for growth, job opportunities and increased investment in our region.”

Sustainability

Implementing the Strategy will have positive flow on benefits for both the local economy and the local community.

The Strategy sends a clear message to the broader business community that Council appreciates the value of manufacturing to the Rural City of Wangaratta both now and into the future.

The proposed activities of the Strategy will stem the projected decline for the sector, and the forecast reduction in employment. The employment opportunities available within the sector are critically important as they provide for a diverse and therefore stable economic base.

The manufacturing sector currently employs 1347 people within the Rural City of Wangaratta. This equates to 12% of all employment. The Strategy will work to maintain or increase the employment and the broad career opportunities available. Ongoing employment and access to the opportunities and associated career paths is critical to the health and wellbeing of the Rural City of Wangaratta community.

Community Engagement

During the development of the Strategy networks were utilised to gain the initial perspective of manufacturing companies within the Rural City of Wangaratta. Once the strategy has been launched further forums will be organised with stakeholders in the sector. This will work as a feedback mechanism to refine any further steps.

Conclusion

At the request of Councillors the document is tabled to allow for the opportunity for Council to adopt the Strategy. Based on the above information, and that detailed in the attached Strategy, the implementation will result in positive economic outcomes for the Rural City of Wangaratta and its manufacturing sector.

Recommendation:

That Council adopt the Draft Manufacturing Sector Support Strategy.

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

Recommendation:

- 1. *That Council adopt the Draft Manufacturing Sector Support Strategy; and***
- 2. *A report be provided to Council on the cost versus benefit of the Alpine Valleys Agrifood Prospectus and the Manufacturing Industry Attraction Prospectus.***

Carried

Communication

The strategy will be launched at a Manufacturer's Forum in August. All manufacturing firms will be provided with a copy of the Strategy via mail.

11.2.1.3 TOURISM EVENT FUNDING POLICY REVIEW

Tourism Special Events Funding Program

25.040.032

Introduction

This report aims to outline the guidelines (*refer attachment*) and operations of Council's two existing tourism event funding programs and, as requested by Council, review and provide recommended amendments to Council by the Wangaratta Unlimited Advisory Board.

Background

Council currently operates two tourism event funding programs being the 'Tourism Special Events Funding Program' and the 'Visitor Attraction Events Funding Program'. Both programs aim to support tourism events that meet qualifying criteria including:

- level of economic impact associated with (new) money introduced to the local economy;
- level to which the event will attract outside visitors. i.e. intrastate and interstate visitors;
- potential to develop into a key tourism or visitor attraction event in the foreseeable future;
- financial viability;
- marketing strategy, including tourism marketing activities;
- type of event and timeliness of event;
- event management experience of the organisers; and
- relevance to regional tourism strengths.

Events allocated funding under this program will be those of regional, national or international significance which have the potential to promote their respective destinations and product, drawing visitors to the area for extended length of stay, generating repeat visitation and enhancing economic yield, that is, their tourism impact.

Local community events without the capacity to attract visitation from outside the Rural City of Wangaratta and immediate surrounding region are directed to other potential sources of funding.

Tourism Special Events Funding Program

This program aims to support events with funding for up to \$5,000 where the event aligns with the municipality's documented key tourism product strengths. The guidelines do not prohibit a private sector application.

Visitor Attraction Events Program

This program aims to support events which do not generally align with the municipalities documented key tourism product strengths with up to \$2,500 in funding.

The current guidelines were adopted in August 2009 at which point funding eligibility was limited to 'not-for-profit organisations only'. However, in 2010 Council adopted a change to the established guidelines to consider professional event management and private sector applications.

The current guidelines align with Tourism Victoria's events program and funding criteria and have been assessed to ensure they are relevant to this fund and demonstrate best industry practice.

Both of Council's funding programs run in line with the financial year. The closing date for applications is 1 August 2013. If funds are not fully allocated, a second round will be open with a closing date of 1 February 2014. Council's funding program allows for a two month timeframe between closing of the Council's event program and Tourism Victoria's closing dates. This allows operators to leverage any funding provided by Council and apply for funding via Tourism Victoria's Country Victoria Event Funding Program.

The annual program of special events in the Rural City of Wangaratta brings substantial numbers of visitors to the municipality per annum and is a vital part of the municipality's tourism offering.

Issues

Wangaratta Unlimited recognises the importance of Council funding being utilised in a way that benefits the Rural City of Wangaratta. The Board specifically highlighted two areas of refinement:

- 1) To ensure that events that are run by private enterprises generate a broader economic benefit the Board has recommended that event organisers applying for funding from Council for both the Visitor Attraction & Special Events Funding Programs must be members of their Local Tourism Association. A membership with the relevant Local Tourism Association creates stronger relationships between local businesses, ensures a collaborative approach to the delivery of tourism events and experiences throughout the region.

This will ensure that Council's investment will still be aligned with the intention of the event funding programs themselves ie. to grow tourism within the Rural City of Wangaratta such that the local economic and social fabric is enhanced and local community and businesses benefit.

To implement this recommendation, businesses will be required to evidence their membership to a relevant Local Tourism Association on the application form (**refer attachment**).

- 2) Funding provided to the private sector to run events should be tagged specifically to market the event to drive visitation from outside the municipality and be a condition of the funding.

To implement this recommendation, businesses will be required to specify how they plan to utilise the funding from Council on the application form. Proof

of expenditure in this manner must be part of the acquittal report event organisers supply Council post the event.

Implications

Council Plan Outcomes

“To support and encourage a sustainable, innovative and resilient tourism sector.”

Sustainability

The provision of funding for events which support Council’s documented Tourism Brand Strengths supports positive outcomes for the local economy and community.

Community Engagement

The recommendations below have been made by the Wangaratta Unlimited Advisory Board.

Conclusion

Tourism Events play an important role in the delivery of economic outcomes for the Rural City of Wangaratta.

Wangaratta Unlimited Advisory Board reviewed the current Tourism Events Funding Program and made the following recommendations which are believed will further strengthen the tourism industry and drive further visitation to the region.

(Moved: Councillor T Atkins/Councillor D Joyce)

Recommendation:

That Council amend the Tourism Event Funding Program to ensure:

- 1. event organisers applying for funding from Council for both the Visitor Attraction & Special Events Funding Programs must be members of their Local Tourism Association;***
- 2. funding provided to the private sector to support events is tagged specifically to market the event; and***
- 3. a post event report summary be provided to Council after each event.***

Carried

Communication

These changes will be communicated via standard advertisement associated with the tourism funding programs.

11.2.1.4 TOURISM BRAND STRENGTH REVIEW

Tourism Promotion/Advertising

25.040.004

Introduction

This report outlines the outcomes of a recent review by the Wangaratta Unlimited Advisory Board of Council's documented Tourism Brand Strengths and provides the associated recommendations to Council.

Background

The 2012-2015 Tourism and Economic Development Strategy outlines an action to "Reassess the established key brand strengths (food and wine, cycling, Ned Kelly, jazz) to ensure brand and product development is in line with current opportunities and activities".

At the April 2013 Wangaratta Unlimited Advisory Board Meeting a workshop was conducted to assess the current brand strengths and any associated gaps. It was agreed that the findings of the workshop would be communicated to the Local Tourism Associations for further refinement and feedback.

On 19 April 2013 the Tourism Development Coordinator and two Wangaratta Unlimited board members met with representatives from the following LTAs to discuss the current brand strengths of the region:

- El Dorado Business and Tourism Association;
- Wines of the King Valley;
- King Valley Tourism Association;
- Glenrowan Winemakers; and
- Milawa Gourmet Region.

In line with current Council and Wangaratta Unlimited terminology, previously titled 'pillars' will be referred to as 'brand strengths'.

Issues

Events

It was acknowledged that the Rural City of Wangaratta is the home to significant events. It was agreed that this is a strength of the region and a main driver of visitation.

Council supports the Sports Tourism, Tourism Event Funding and Conference/Incentives program indicating that it understands events are a key strength of the region and draw visitation. Events effectively link key brands, products and experiences together in an event delivery format but may not necessarily need to sit as a key brand strength within the discussed framework.

Nature-Based Tourism

It was agreed that the Natural setting of the municipality should be reflected as a key brand strength of the Rural City of Wangaratta.

Tourism Victoria's Nature-Based Tourism Strategy 2008-2012 describes Nature-based tourism as any activity that relies on experiences directly related to natural attractions including ecotourism, adventure tourism, wildlife tourism, extractive tourism (for example fishing and gold panning), and nature retreats.

The direct and indirect contribution of the tourism industry to the Victorian economy is \$10.9 billion per year. 37 per cent of domestic visitors and 77 per cent of international visitors undertake at least one nature-based tourism activity during a trip, making nature-based tourism one of the most important markets within the tourism industry.

Nature-based tourism continues to grow at a faster rate than the overall tourism sector. Ecotourism alone is growing globally at 20 per cent per annum compared with just 7 per cent for tourism overall.

Culture & Heritage

It was agreed that Culture & Heritage are a key attribute and should be reflected as a key brand strength of the Rural City of Wangaratta.

After some discussion it was agreed that Ned Kelly & Jazz are Specific Brand strengths linked to Culture & Heritage and should sit within the Culture & Heritage overarching brand. This would allow Ned Kelly and Jazz to maintain their status quo as top level brand strengths and also maintain the possibility of developing significant product and experiences to compliment this status.

Implications

Council Plan Outcomes

"To promote a strong and vibrant business community consisting of a diverse range of small, medium and large enterprises capitalizing on the key competitive strengths of our region"

"To support and encourage a sustainable, innovative and resilient tourism sector."

Sustainability

The amendments to Council's documented Tourism Brand Strengths supports positive outcomes for the local economy and community by ensuring support and recognition of these key attributes.

Community Engagement

The recommendations below have been made by the Wangaratta Unlimited Advisory Board in conjunction with Local Tourism Associations.

Conclusion

Tourism plays an important role in the delivery of economic outcomes for the Rural City of Wangaratta.

Based on the information above the Wangaratta Unlimited Advisory Board reviewed the current documented Tourism Brand Strengths and made recommendations which are believed will further strengthen the tourism industry and drive further visitation to the region.

Recommendation:

That Council adopt the following brand strengths and structure:

- *Key brand strengths:*
 - *Cycling*
 - *Food/Wine/Beer*
 - *Nature*
 - *Culture & Heritage:*
 - *Ned Kelly (Specific brand strengths)*
 - *Jazz (Specific brand strengths)*
- *Rural City of Wangaratta strengths:*
 - *Events*

(Moved: Councillor P O'Brien/Councillor T Atkins)

Recommendation:

That Council adopt the following brand strengths and structure:

- *Key brand strengths:*
 - *Cycling*
 - *Food/Wine/Beer*
 - *Nature, Outdoor and Adventure*
 - *Culture & Heritage:*
 - *Ned Kelly (Specific brand strengths)*
 - *Jazz (Specific brand strengths)*
- *Rural City of Wangaratta strengths:*
 - *Events*

Carried

Communication

The recommendation will be communicated to the Board of Wangaratta Unlimited and all Local Tourism Associations within the municipality.

11.2.1.5 COUNCILLOR AND MAYORAL ALLOWANCES

Councillor Issues & Information

10.010.005

Introduction

This report is prepared to inform Council of its obligation under the *Local Government Act 1989* (the Act), to review and determine the level of the Councillor allowance and the Mayoral allowance within the period of 6 months after a general election or by the next 30 June, whichever is later.

Background

The Act sets out the authority and the arrangements for Councillor and Mayoral allowances.

The Act enables the Minister for Local Government to set limits and ranges of Councillors and Mayoral Allowances. The Council must review and determine the level of Councillor and Mayoral allowance within the statutory period following an election.

An Order in Council published in the Government Gazette of 5 July 2012 establishes three (3) categories of Councils, Councillor annual allowances and limits and Mayoral allowance limits were determined for each category.

The Council categories were determined by considering number of residents and recurrent revenue. The Rural City of Wangaratta is a Category 2 Council.

The limits and range of allowances applicable to the Rural City of Wangaratta are:

- Mayoral allowance \$67,634 (+9.25% from 1 July 2013); and
- Councillors allowance \$9,090 - \$21,859 (+ 9.25% from 1 July 2013)

In addition to the allowances above, Councillors are paid the equivalent of the Superannuation Guarantee contribution (currently 9% of current allowance amounts payable). This will increase to 9.25% from 1 July 2013.

Current allowances paid to Councillors of the Rural City of Wangaratta are as follows:

- Mayoral allowance \$63,402 (86% of maximum [\$67,634] + 9%)
- Councillor allowance \$23,775 (99% of maximum [\$21,859] + 9%)

These amounts applied to Councillors from the taking of the oath of office and apply until Council completes a review of allowance as required above.

Section 74 (1) of the Act requires a Council to review and determine the level of the Councillor allowance and the Mayoral allowance within statutory timeframes.

Section 74 (1A) permits Council to review and determine the levels of Councillors and Mayoral allowances after an Order in Council is made.

Section 74 (4) of the Act provides that the public has the right to make a submission in respect of a review of allowances accordance with Section 223 of the Local Government Act 1989.

Community Engagement

Notice of Council's review and determination in relation to Councillor Allowances will be advertised for public comment in accordance with the requirements of Section 223 of the Local Government Act 1989.

Implications

Council must now determine the appropriate Councillor and Mayoral allowance to apply for the next four year period.

(Moved: Councillor P O'Brien/Councillor T Atkins)

Recommendation:

That:

- 1. in accordance with the provisions of Section 74 of the Local Government Act the Council determines the Mayoral and Councillors allowances applicable for the period 2013 – 2016;***

Mayoral allowance \$63,402

Councillor allowance \$23,775

- 2. notice of Council's review and determination of Councillor allowances be advertised and public comment be sought in accordance with the requirements of Section 223 of the Local Government Act 1989;***
- 3. submissions on Council's review and determination of Councillors allowances;***
 - a) be received by Friday 19 July 2013; and***
 - b) be considered at a meeting of a committee of the Council to be held at the Wangaratta Government Centre, corner of Ford and Ovens Streets, Wangaratta on Tuesday 23 July 2013 at 5:30 pm.***
- 4. the committee be a committee of the whole Council.***

Carried

Communication

Public notification, inviting the community to make submissions in relation to Council's review and determination of Councillors allowances will be placed on Council's website and given in the local media.

11.2.2 SUSTAINABILITY

11.2.2.1 NEW LOAN

Loans

51.050.001

Introduction

This report deals with the borrowings for the 2012/2013 Budget adopted by Council on the 17th July 2012.

Background

At its meeting held on Tuesday, 16 April, 2013, Council authorised the Chief Executive Officer to conduct a tender process, accept a tender and execute any necessary documentation to take up a loan of \$817,801.

Issues

Competitive bids for the financing of an \$817,801 loan were invited in local and metropolitan press. Tenders for this loan closed on 14 May 2013.

In response, the following tenders were received:

	Rate
National Australia Bank Limited	5.12%
Westpac Banking Corporation	5.34%
Commonwealth Banking Group	5.42%
Australia and New Zealand Banking Group	5.57%

Implications

Council Plan Objectives

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

Local Community

The loan will provide for the following in accordance with the 2012/2013 budget.

Final stage of the Children's Services Centre	\$ 507,801
Wangaratta cogeneration project	<u>\$ 310,000</u>
	\$ 817,801

Council's Financial Position

Provision has been made for the repayment of the loan in Council's budget and long term financial plan.

As a result of undertaking this loan, Council's total borrowings as at 30 June 2013 will be \$7,821,911. Using the proposed Local Government Performance Reporting Framework Indebtedness ratio of:

Interest-bearing loans and borrowings to total rates,

this gives Council a forecast Indebtedness measure as at 30 June 2013 of 34%, at the low-risk end of the 20%-60% range for this measure.

The loan will be secured against the general rates of the municipality by execution of a Deed of Charge with National Australia Bank Limited.

Conclusion

The National Australia Bank Limited loan bid for a ten year term has been assessed as the most beneficial for the Council.

The loan details are as follows:

Amount:	\$ 817,801
Term:	Ten (10) years
Interest Rate:	5.12%
Settlement:	15 May 2013

The loan offer of National Australia Bank Limited has been accepted under delegated authority in accordance with Council's previous determination.

(Moved: Councillor P O'Brien/Councillor C McClounan)

Recommendation

That Council endorse the action taken to accept the loan financing proposal from National Australia Bank Limited for a loan of \$817,801 as outlined in this report.

Carried

Communication

All tenderers have been advised of the outcome of the tender process.

11.2.2.2 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 25th 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.

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 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) and Urban Precincts 2011 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.*

(Moved: Councillor P O'Brien/Councillor D Joyce)

Recommendation

That items 11.2.2.2 and 11.2.2.3 be deferred to the July 2013 Council Meeting to allow for additional consultation with objectors.

Carried

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.

11.2.2.3 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 165 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 25th 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 authorises 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) and Urban Precincts 2011 Volume 1: Urban Precincts’ (dated 23 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.*

See Item 11.2.2.2 for resolution holding this matter over to the July 2013 Council Meeting to allow for additional consultation with objectors. See page 29.

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.

11.2.2.4 ADVERTISING SIGNS POLICY – AMENDMENT TO WANGARATTA PLANNING SCHEME

Advertising Sign Policy

73.020.020

Introduction

This report seeks Council's authorisation to amend and exhibit that amendment to the Wangaratta Planning Scheme to include the revised Advertising Signs Policy in Council's Local Planning Policy Framework (LPPF)

Background

Council resolved at its meeting on the 19th March 2013 to adopt the Draft Advertising Signs Policy and seek authorisation from the Minister for Planning to amend the Wangaratta Planning Scheme to incorporate the Draft Advertising Signs Policy in the Local Planning Policy Framework.

Current Situation

The Department of Planning and Community Development have responded to Council's request for authorisation identifying that there is a current review underway of the State Planning Policy Framework for Advertising Signs and the proposed amendment to the Local Policy Framework requires further review.

In consultation with the Department of Transport, Planning and Local Infrastructure (formerly DPCD) the proposed amendment has been reviewed and the approach to implement Council's policy adjusted accordingly. This includes:

- Reviewing the Local Policy to be consistent with the Department Of Transport, Planning And Local Infrastructure (formerly DPCD) Practice Note 8 to justify the policy statements and avoid duplicating planning controls in the Local Policy;
- Separating the table of planning controls for signs to a separate Schedule to the Planning Scheme;
- Refining the policy statements to improve the application and assessment of the policy; and
- Clarifying Council's position on major promotion signs.

A copy of the revised policy and the schedule, which has been endorsed by the Department Of Transport, Planning And Local Infrastructure (formerly DPCD) to permit resubmission authorisation, is attached for Councillors information (**refer attachment**).

(Moved: Councillor J Fidge/Councillor N Amery)

Recommendation:

That Council:

- 1. adopt the amended Advertising Signs Local Policy;***
- 2. resubmit the amendment to the Minister for Planning to amend the Wangaratta Planning Scheme to incorporate the proposed Advertising Signs Policy in the Local Planning Policy Framework;***
- 3. subject to authorisation being received from the Minister exhibit the draft amendment for public comment; and***
- 4. delegate to the Chief Executive Officer to permit minor amendments or changes to the Draft Amendment with the Minister as required.***

Carried

Communication

This Policy will be exhibited for public comment at the same time as the draft amendment.

11.2.2.5 PLANNING PERMIT APPLICATION PInApp13/076 - USE AND DEVELOPMENT OF A DWELLING ON A RURAL LOT LESS THAN 40 HECTARES AT GAYFER ROAD SPRINGHURST VIC 3682.

PInApp

13/076

Background

Applicant: Ian M Metherall
Owner: Katrina J Metherall & Rosemary J Metherall
Subject Land: Lot 1 TP 575503 Vol 10494 Fol 014
Gayfer Road SPRINGHURST VIC 3682

Zone: Farming Zone; Public Conservation & Resource Zone
Overlay: Nil
Permit Trigger: Clause 35.07-1 Use of land for a Dwelling on a lot less than 40 hectares; Clause 35.07-4 Buildings and Works associated with a Section 2 Use.

Introduction

This report deals with a planning permit application for the use and development of land for a dwelling in the Farming Zone. A planning permit is required as the subject land is less than 40 hectares in size.

The application received one objection and is therefore referred to Council for decision. A recommendation is made to support the application and issue a Notice of Decision (NOD) to grant a permit.

Discussion and assessment of the application against the relevant requirements of the Wangaratta Planning Scheme follows within this report.

Proposal

The application proposes the use and development of the land for a dwelling in the Farming Zone. No dwelling plans have been submitted as part of the application except a site plan showing an indicative location for the proposed dwelling.

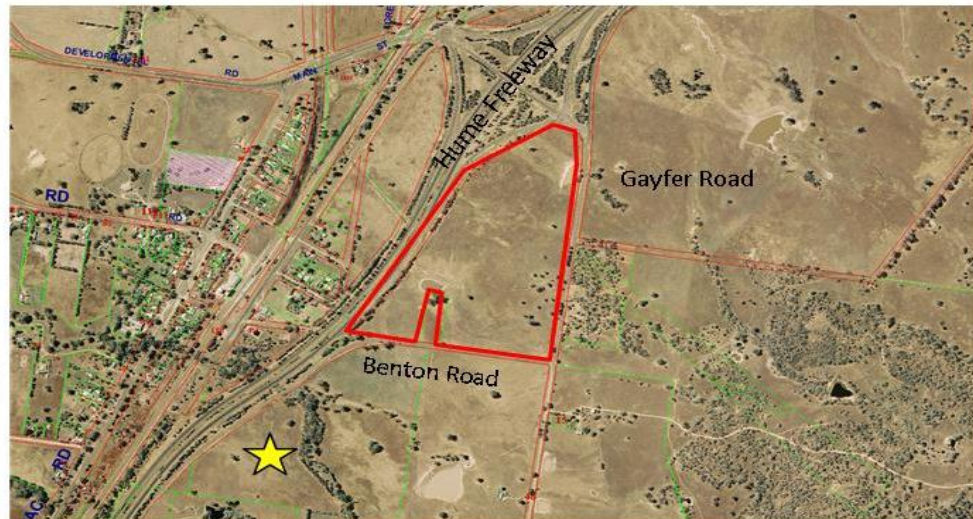
Subject Site and Locality



The subject land is located on the eastern side of the Hume Freeway, adjacent to the Springhurst township (refer to Figure 1). The site is 29.45 hectares in size. The site is bounded by the Hume Freeway to the west, the Springhurst interchange to the north, Gayfer Road to the east and Benton Road to the south. Vehicle access to the site is currently gained from both Gayfer and Benton Roads.

The land rises westwards from relatively flat, cleared pastures to a partially vegetated hill on the eastern boundary. The site contains two dams and

stockyards fronting Gayfer Road. The site contains a parcel of approximately 1.3 hectares on Gayfer Road that is zoned Public Conservation and Resource Zone. This anomaly is discussed under Issues in this report. The site also has a parcel of approximately 0.9 hectares in public ownership (still zoned Farming Zone) fronting Benton Road. It is understood this public reserve has been used historically as a watering place for stock.

Figure 1: Location Plan



-  Subject Site
-  Objector



Surrounding land uses and zoning varies considerably (refer to Figure 2). To the west of the site, beyond the Hume Freeway is the township of Springhurst. The zoning is Township Zone and lot sizes vary from 1000m² to 7 hectares. These lots are approximately 120 metres from the subject site. To the south and east of the site are larger farming parcels ranging from 28 to 120 hectares. A number of these parcels have houses, including two lots of 28 and 33 hectares respectively within close proximity to the subject site. To the east of the site, on Gayfer Road, is a Council Transfer Station.

Issues

Historical Permit

A significant parcel of land was compulsorily acquired from the original property to construct the Hume Freeway and Springhurst interchange. The original parcel of land was approximately 67 hectares in size. As such, it would have been possible to build a dwelling without a planning permit. It is understood by the applicant, that the acquiring authority (VicRoads) made provision for a planning permit as part of the compensation package. Whilst evidence was never provided, a planning permit was granted by Rural City of Wangaratta for a dwelling on the balance of the land. Planning Permit 2000/091 was issued on 22 June 2000 for 'Construction of a dwelling'.

The permit subsequently lapsed on 22 June 2002 as no works commenced within the statutory time period of two years. The applicant has provided an explanation for the reasons why the permit was not acted upon, and why it has taken twelve

years to approach Council for a new permit. These grounds are discussed in the Assessment section of this report.

Public Conservation and Resource Zone

There is currently a 1.3 hectare parcel of land within the 29 hectare lot that is zoned Public Conservation and Resource Zone (PCRZ). This would appear to be an anomaly, as the PCRZ is usually only applied to public land, not privately owned land. For the purpose of this application, any approval for a dwelling must ensure that the dwelling is located outside this parcel of land. This is because PCRZ does not allow for the use and development of land for a private dwelling. Consideration should be given to correcting this anomaly in future.

Planning Considerations

The following summarises the Scheme requirements and decision guidelines applying to this proposal (commentary and assessment against these guidelines follows under Assessment):

Section	Clause	Provision
State Planning Policy Framework	14.01-1	Protection of agricultural land
Local Planning Policy Framework: MSS	21.05	Rural Land Use and Agriculture
Local Planning Policy Framework - Local Planning Policy	22.01-1	Housing and Sheds in Rural Areas
Zones	35.07	Farming Zone

State Planning Policy Framework

Clause 14.01-1 Protection of agricultural land

Objective:

To protect productive farmland that is of strategic significance in the local or regional context.

Local Planning Policy Framework

Clause 21.05 Rural Land Use and Agriculture

Key Strategic Directions:

- *Maintain the productivity and versatility of agricultural land, particularly in higher agricultural productivity and versatility areas.*
- *Minimise potential amenity impacts between rural agricultural uses and rural lifestyle uses, particularly in higher agricultural productivity and versatility areas.*

Clause 22.01 Housing and Sheds in Rural Areas

This policy applies to all and in the Farming Zone.

Key Objectives

- *Ensure that new dwellings do not undermine the productive agricultural base of the municipality, particularly in ‘very high’ and ‘high’ agricultural versatility areas.*
- *Ensure that dwellings do not adversely impact on the rural and agricultural activities carried out on the land and the general area.*
- *Avoid potential amenity impacts between rural activities/agricultural production and dwellings in rural areas, protecting primary producers from complaints based on perceived residential amenity rights.*
- *Ensure that housing in rural areas support rural activities and production and is not undertaken to meet rural lifestyle objectives that may conflict with the rural use of the land.*
- *Provide an adequate standard of infrastructure for dwellings.*

Policy

Exercising discretion

It is policy to:

- *Ensure that any dwelling proposal has a relationship with and is required to directly support the continuing operation of an existing rural use conducted on the land.*
- *Maintain agricultural production and rural uses on the land.*
- *Ensure that any dwelling proposal is compatible with and will not have an adverse impact on agricultural and other rural land uses on the land, adjoining land and the general area.*
- *Ensure that any dwelling proposal meets the principle of ‘right to farm’ in rural areas, where existing agricultural and rural uses in the area have a right to legally continue their operations.*
- *Minimise any potential amenity impact on adjacent or nearby land and not reduce the potential for agricultural production or other rural activity.*
- *Site dwellings to minimise any potential amenity impact on adjacent or nearby land and not reduce the potential for agricultural production or other rural activity on this adjoining or nearby land.*
- *Provide for the ongoing sustainable use of the land, including the protection and enhancement of the natural environment.*
- *Avoid any adverse effect on existing rural infrastructure and not affect the continuing use of this infrastructure for agricultural production.*
- *Discourage the use of ‘reflective’ or ‘white’ coloured building or shed cladding or roofing material. These materials and colours may be acceptable however if they will be used to match the same materials on existing buildings or sheds.*

Clause 35.07 Farming Zone

Key purposes include:

- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.*

The subject site is zoned Farming Zone (and part Public Conservation and Resource Zone). A planning permit is required to use and develop the land for a dwelling, as the lot is less than 40 hectares, pursuant to Clauses 35.07-1 and 35.07-4 of the Wangaratta Planning Scheme.

No assessment will be made against the provisions of the PCRZ, as it is intended that any dwelling approved must be located outside the area affected by this zone.

Key decision guidelines for this application are:

- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *Whether the use or development will support and enhance agricultural production.*
- *Whether the dwelling is reasonably required for the operation of the agricultural activity conducted on the land.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*

Consultation

Notification of the application was given to adjoining owners and occupiers. One written objection was received from the owners of a neighbouring property.

The objection cited concern over the following issues:

- Proliferation of houses by applicant's family
- No intention by applicant to reside on property.
- Increased traffic and inappropriately sited vehicle entrance.
- Proximity to recorded historic site.

- Proximity and possible impact on Department of Environment and Primary Industries (DEPI) reserve on Benton Road containing spring water.
- Management of pest plants and animals.

At the direction of both the applicant and objectors, no conciliation meeting was held. This was due to the unwillingness of both parties to meet, and the low likelihood of a compromise being reached.

The objections are summarised below:

Other Dwellings in Same Ownership

Concern is expressed that the applicant and his family have already constructed two transportable dwellings and a brick residence on an adjacent family property. Approval for a fourth dwelling will lead to an unnecessary proliferation in an area zoned for agricultural activity.

Officer Comment: Not a valid planning issue. Whilst consideration is given to settlement patterns and dwelling density in the area, it is not relevant that dwellings have been constructed on unrelated properties. It is understood that these properties are no longer owned by applicant's family.

Applicant Not Intending to Reside on Property

The applicant does not intend to reside on the property; therefore there is no need for the dwelling on the lot.

Officer Comment: Whether the applicant intends to reside on the property is not the direct concern, but whether a link between the dwelling and the agricultural use of the land has been established. This relationship will be discussed further in the Assessment section of the report.

Increased Traffic and Poorly Located Vehicle Entrance

The dwelling will result in increased traffic and the vehicle access is poorly located as to be a traffic hazard.

Officer Comment: The amount of traffic resulting from one additional dwelling in the area is not considered significant. The roads adjacent the site are sealed and there are locations along both roads that could provide safe access to a house site. This issue can be addressed through conditions of permit.

Proximity to Recorded Historical Site

Concern is raised that a dwelling will impact on the historical ruin located on the eastern side of Gayfer Road.

Officer Comment: Not a valid planning issue. There is no evidence to suggest that a dwelling on the subject site would adversely impact on the historical site.

Proximity and Impact on DEPI Reserve

Concern is raised that a dwelling in proximity to the dam/spring on the DEPI reserve may adversely affect the quality of spring water.

Officer Comment: It is acknowledged that there is no fencing to distinguish between the reserve and the subject site. It is important, therefore, to ensure any dwelling and related effluent system approved is suitably located away from the reserve to prevent contamination. This can be done through conditions of permit. The spring should not form the basis of any water source for the dwelling.

Management of Pest Plants and Animals

Concern is raised that the property owner currently does not manage pest plants and animals adequately on the site.

Officer Comment: Appropriate management of pest plants and animals is important to the ongoing quality of the agricultural land. Whilst not directly a planning issue, it is suggested that a dwelling on site may, in fact, enable more consistent and effective pest plant and animal management.

Referrals

Authority	Response
External Section 55 Referral	Nil
External Section 52 Notice	
SPAusnet	No objection
Internal	
Technical Services	No objection subject to three conditions relating to vehicle crossover, designated vehicle entrance and stormwater drainage.
Environmental Health	No objection subject to condition requiring compliance with Onsite Wastewater Code of Practice.

Assessment

Consistency with State and Local Planning Policy

The proposal is largely consistent with both State and Local Planning Policy with regards to dwellings in farming areas. The subject site is identified as having moderate agricultural versatility, with some small areas of high versatility along the western boundary. A dwelling on site will not remove high value land from agricultural production, and may result in better land management practices by having the owner live on-site.

Acquisition of Land and Historical Permit

In June 2000, Council issued a planning permit for 'Construction of a dwelling' on this 29 hectare parcel of farming land. An assessment was made against the current planning scheme controls and the proposal was found to meet objectives and be appropriate for the location. No detailed site plans or details of the dwelling were provided, but the subject land provided enough opportunity to establish a suitable location.

At the time, the owner of the property wrote about the process of compulsory acquisition of the original 67 hectare parcel. The relevant State Authority (taken to be VicRoads) had apparently given commitments to facilitate a permit to allow construction of a dwelling on the largest balance lot, being this 29 hectare parcel. It appears that a consistent approach was taken by VicRoads and Council, and a planning permit subsequently issued for the lot. The original property was clearly acquired compulsorily, and a lot with opportunity for a dwelling broken into three smaller lots, bisected by the new Hume Freeway.

The current applicant has provided a written explanation about why the original permit was not acted upon. A series of events relating to the placement of a gas pipe across the property and subsequent protracted legal proceedings caused delay and distraction, to the extent that the permit lapsed and was not extended. Council is unable to extend a lapsed permit.

In recognition of the original acquisition of land by a State authority for construction of the Hume Freeway, and the subsequent fragmentation of a 67 hectare parcel of land, it is recommended that a permit be issued for a dwelling on this balance parcel.

A site plan showing an indicative dwelling location was provided with the application. There are currently no plans for the proposed dwelling. The issues relating to location, size, vehicle access, external materials and colours can be addressed through permit conditions.

Agricultural Objectives

A dwelling can be suitably located on the site so as to not impact on surrounding agricultural uses. Safe access to the site can be constructed and a location identified that will limit impacts on the environmental values of the land, in particular the DEPI reserve. A link between the need for a dwelling and agricultural activities has not been identified in this case. The history of this site is considered to be relevant, however, and provides a level of justification otherwise missing from the application.

Siting and Design of Dwelling

There are a number of factors influencing a suitable location for a dwelling on this site. The dwelling and effluent disposal system should not be located within 100 metres of the DEPI reserve to allow suitable setback from the spring. The dwelling must be setback a minimum of 100 metres from the existing transfer station, to reduce the impact of any odours from the facility.

The dwelling must be set back a minimum of 5 metres from the parcel currently zoned Public Conservation and Resource Zone, in recognition of the objectives of the PCRZ. Five metres from a boundary is a standard minimum requirement in the schedule to the Farming Zone.

The standard requirements for muted and non-reflective external materials and finishes should also apply through conditions.

Conclusion

On the basis of the discussion in this report, it is considered that the application for use and development of land for a dwelling is appropriate for the site and conditions of permit can ensure that any amenity impacts are acceptable and controlled within the bounds of the permit.

Therefore, it is recommended that a planning permit be granted subject to appropriate conditions.

(Moved: Councillor P O'Brien/Councillor D Joyce)

Recommendation:

That Planning Permit Application No. PlnApp13/076 for Use and Development of a Dwelling be approved and that a Notice of Decision to grant a Permit be issued subject to the following conditions:

- 1. Before the use and development commence, 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 site plan submitted on 23 May 2013, but modified to show:***
 - (a) A site plan showing the location of the proposed dwelling envelope and effluent disposal envelope in accordance with the following minimum setbacks:***
 - 100 metres from the existing transfer station;***
 - 100 metres from the Department of Environment and Primary Industries reserve;***
 - 5 metres from land zoned Public Conservation and Resource Zone; and***
 - (b) Floor plans and elevations of the proposed dwelling including all external materials and finishes.***
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 3. Any septic system on the site must comply with the current Code of Practice 'Onsite Wastewater Management' Publication No. 891.3.***

- 4. All roof water from buildings and surface water from hard paved areas must be collected and conveyed to a drainage easement or to a legal point of discharge so as to prevent storm water nuisance to adjoining land.**
- 5. Prior to the commencement of the use, a vehicular access to serve the proposed dwelling at location 4 as shown on the submitted plan must be upgraded and constructed in accordance with Council's Infrastructure Design Manual (IDM) Standard Drawing SD-255 "Typical Swale Drain Vehicle Crossing (Rural Entrance)" and to the satisfaction of the Responsible Authority.**
- 6. A "Consent to Work within a Road Reserve" permit is required where works are within public road reserves.**
- 7. Any metal cladding proposed to be used in the construction of the building approved by this permit must be:**
 - (a) Galvanised or natural colour bonded metal cladding; and/or**
 - (b) Treated metal cladding painted in muted tones, provided such painting is completed prior to the occupation of the building approved by this permit;**

to the satisfaction of the Responsible Authority.
- 8. A potable water supply, all-weather access road, reticulated electricity or alternative supply, reticulated sewerage or alternative method must be made available to the dwelling house to the satisfaction of the Responsible Authority.**
- 9. This permit will expire if one of the following circumstances applies:**
 - (a) The use and development are not commenced within two years from the date of this permit; and**
 - (b) The development is not completed within four years from the date of this permit.**

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

Carried

Communication

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

11.2.2.6 PLANNING PERMIT APPLICATION PLNAPP13/064 - REMOVAL OF NATIVE VEGETATION (FIVE TREES) AT 12 DOBSON STREET ELDORADO VIC 3746,

PlnApp

13/064

Councillor N Amery left the room at 7:37pm prior to consideration and voting of item 11.2.2.6 having previously declared a conflict of interest.

Background

Applicant: Todd Amery Construction
Owner: John W Clayden
Subject Land: Lot 2 PS 323988 Vol 10175 Fol 145
12 Dobson Street ELDORADO VIC 3746

Zone: Township Zone
Overlay: Nil
Permit Trigger Removal of Native Vegetation

Introduction

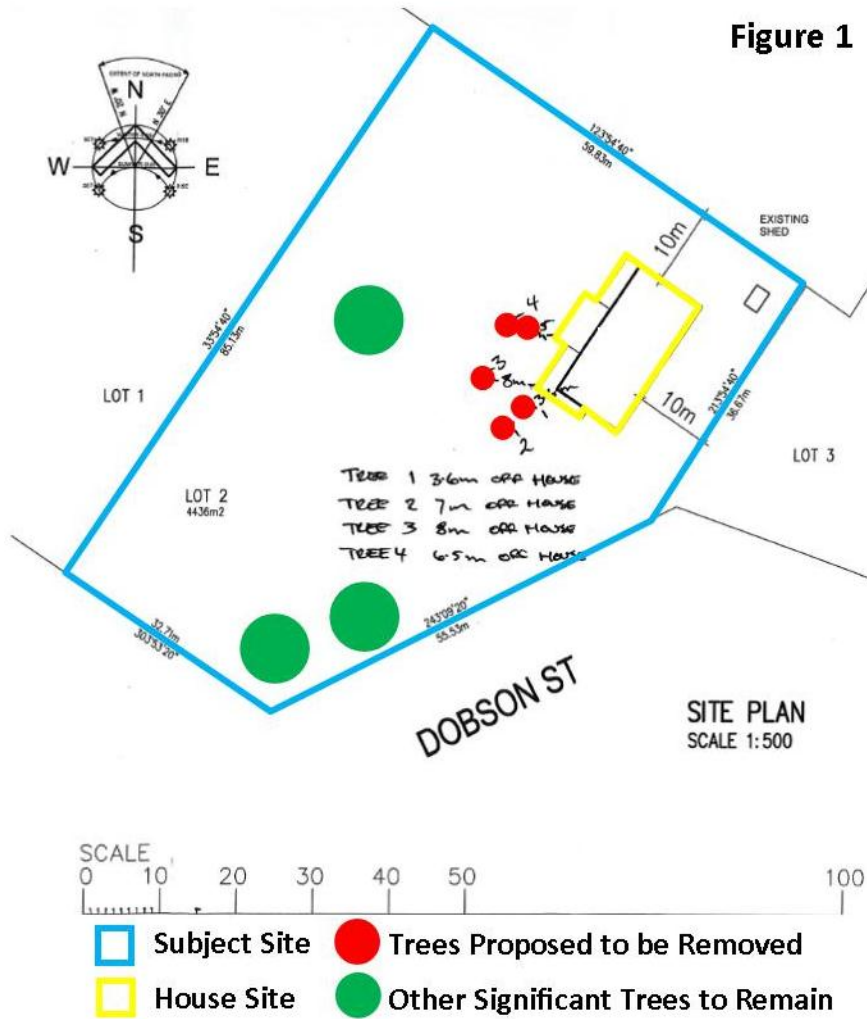
This report deals with a planning permit application for the removal of native vegetation. A planning permit is required as the trees are remnant and the subject land is greater than 4,000 square metres in size.

The application received one objection and is therefore referred to Council for decision. A recommendation is made to support the application and issue a Notice of Decision to grant a permit (NOD).

Discussion and assessment of the application against the relevant requirements of the Wangaratta Planning Scheme follows within this report.

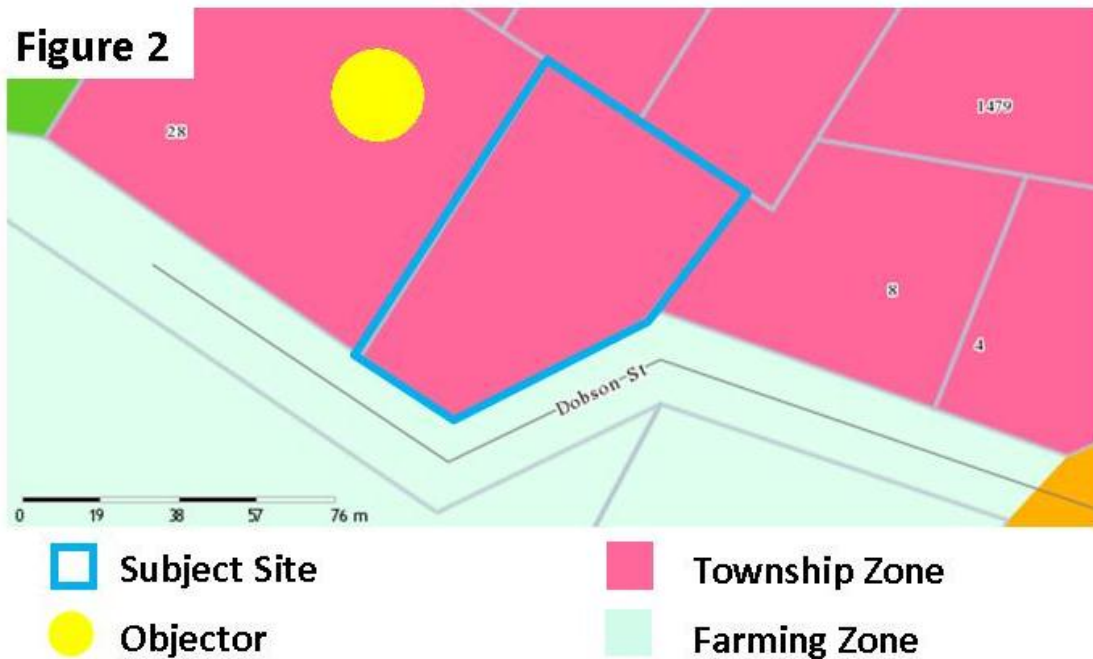
Proposal

The proposal is to remove five (5) native trees from the allotment to reduce the fire risk to a dwelling approved on the land (Refer to Figure 1). The subject trees are believed to be between 10 and 20 years old.



Subject Site & Locality

The subject site is at 12 Dobson Street, at the edge of the township of Eldorado. Accordingly, Dobson Street marks the boundary of the Farming Zone to the south, and the Township Zone to the north (refer to Figure 2). Situated on the northern side of Dobson Street, the subject site is within the Township Zone. It is not affected by any Overlays or considered to be of Cultural Heritage Sensitivity.



The reasonably undulated site features a newly constructed shed that is to be associated with the approved dwelling. The dwelling is to be constructed close to the north-eastern corner of the allotment, upon a minor ridge. The trees that are proposed to be removed are reasonably central within the allotment, and are located beside the south-western corner of the approved dwelling. A certain amount of other vegetation has already been removed from the site under exemptions in the Planning Scheme. There is however significantly larger remnant vegetation in the southern and western portions of the allotment, which will remain.

The locality features predominantly residential properties of between 2,500 and 8,000 square metres. Due to the size of the allotments, there is a reasonable amount of remnant vegetation throughout the area. The subject site is the only undeveloped residential site in the vicinity. The closest dwellings to the subject site are at 1469 Wangaratta-Eldorado Road, 8 Dobson Street, 15 McGregor Street, and 28 Dobson Street.

Planning Considerations

A Planning Permit is not required pursuant to any zone or overlay provisions. Planning approval is instead required under Clause 52.17-2 (Native Vegetation) of the Particular Provisions in the Wangaratta Planning Scheme, where:

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

There are several exemptions under this clause, including for sites less than 0.4 hectares and for planted trees. As the subject site is 0.44 hectares and the vegetation is remnant, these exemptions cannot be applied in this instance and a Planning Permit is required.

The following provisions of the Wangaratta Planning Scheme apply:

Section	Clause	Provision
State Planning Policy Framework	Clause 12.01-1	Protection of Habitat Objective
	Clause 12.01-2	Native Vegetation Management Objective
	Clause 12.04-2	Landscapes Objectives
	Clause 13.05-1	Bushfire Prone Strategies and Principles Objectives
Local Planning Policy Framework	Clause 21.07	Rural Townships and Settlements Strategic Directions
	Clause 21.10	Environmental Management and Heritage Strategic Directions
Particular Provisions	Clause 52.17	Native Vegetation Purpose
	Clause 52.17-5	Native Vegetation Decision Guidelines

The following summarises the Planning Scheme requirements and decision guidelines applying to this proposal (commentary & assessment against these guidelines follows under Assessment):

Clause 12.01-1 – Protection of Habitat Objective:

- *To assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.*

Clause 12.01-2 – Native Vegetation Management Objective:

- *To achieve a net gain in the extent and quality of native vegetation.*

Clause 12.04-2 – Landscapes Objective:

- *To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.*

Clause 13.05-1 – Bushfire Planning Strategies and Principles Objective:

- *To assist to strengthen community resilience to bushfire.*

Clause 21.07 – Rural Townships and Settlements Strategic Directions:**Overview:**

- *Maintain and enhance rural townships for lifestyle, economic performance and a range of residential use and development.*
- *Protect and enhance the appearance, character, tourism potential and economic performance of gateway approaches into rural towns.*

Clause 21.10 – Environmental Management and Heritage Strategic Directions:**Environmental management:*****Native vegetation and biodiversity:***

- *Implement ‘net gain’ goals for native vegetation and the recovery of threatened species and communities through the application of the Victorian Native Vegetation Framework*
- *Recognise, protect and enhance biodiversity values, ecosystem health and remnant vegetation, including scattered trees, roadsides and native grasslands*

Other environmental issues:

- *Enhance the natural environment, improve visual amenity, provide habitat corridors and provide strategic tree planting*

Clause 52.17 – Native Vegetation Purpose:

- *To protect and conserve native vegetation to reduce the impact of land and water degradation and provide habitat for plants and animals.*
- *To achieve the following objectives:*
 - *To avoid the removal of native vegetation.*
 - *If the removal of native vegetation cannot be avoided, to minimise the removal of native vegetation through appropriate planning and design.*
 - *To appropriately offset the loss of native vegetation.*
- *To provide for the management and removal of native vegetation in accordance with a property vegetation plan.*
- *To manage vegetation near buildings to reduce the threat to life and property from bushfire.*

Clause 52.17-5 – Native Vegetation Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- *Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002).*
- *The need to offset the loss of native vegetation having regard to the conservation significance of the vegetation.*
- *The conservation and enhancement of the area.*
- *The preservation of and impact on the natural environment or landscape values.*
- *The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property having regard to other available bushfire risk mitigation measures.*

Conservation significance

- *The conservation status of the native vegetation.*
- *The quality and condition of the vegetation*
- *The strategic location of the native vegetation in the local landscape.*

Consultation

The application has been advertised to adjoining land owners and occupiers. One objection was received from the owner of 28 Dobson Street. The Objector's residence is located on this neighbouring property, and enjoys views across the subject site from atop a ridge.

A conciliation meeting was organised for 12 June 2013. The Applicant confirmed that they would be in attendance; however the Objector was unable to attend as they are currently based interstate. It was made clear that they would not return to their Dobson Street property for approximately 6 weeks. This was considered an unreasonable delay of the application, and as a result the conciliation meeting was not rescheduled.

The objector did not wish to withdraw their objection, and their objections remain as summarised below:

Impact on Views from their Dwelling

Concern that the views from the neighbouring dwelling will be unduly impacted by the Native Vegetation Removal as the vegetation, as well as the vegetation already removed, has previously obstructed views between the two properties. As a result of the Native Vegetation Removal, the approved dwelling will be highly visible from the Objector's dwelling.

Objection Not Supported: The land zoned Township Zone is done so with the expectation that residential development will ensue. Removing the remaining trees is not considered to greatly increase the potential for overlooking.

Increases in Noise and Light Spill Associated Passing Traffic

Concern that the removal of the Native Vegetation Removal will result in increased light and noise impacts upon the Objector's dwelling resulting from vehicles using Dobson Street

Objection Not Supported: The vegetation that has already been removed under exemption under the Wangaratta Planning Scheme will have already increased the impacts upon the Objector's dwelling. It is not considered that removing the remaining five trees will have a significant impact.

Referrals

The application was referred to Council's Environment Department for advice under Section 52 of the *Planning and Environment Act 1987*. The Department has not objected to the removal of the trees subject to the following conditions;

- 1. The applicant is to provide a Vegetation Offset Management Plan (VOMP) which includes offset calculation, location of offset site, planting plan, and maintenance plan. Council's Sustainability Programs Coordinator should be consulted about a suitable location, and planting species. This offset is to be protected and maintained for 10 years by the applicant to the satisfaction of the Responsible Authority.***

Assessment

The subject site is located within the Township Zone, which is classified as a residential zone. Accordingly, its purpose is to provide residential development. Due to the levels of vegetation within the locality, an area of bushfire defendable space is required around dwellings. The Native Vegetation provisions specifically acknowledge the need to manage vegetation adjacent to dwellings. The defendable space must be clear of vegetation, and therefore the subject site is not considered to be able to be developed for a dwelling without the loss of some trees.

The VOMP required by condition on this permit will facilitate the planting and maintenance of additional native vegetation. The vegetation will be able to be planted in more desirable locations. For example, it may be able to encourage fast growing native trees to be planted in a manner that obstructs views from neighbouring properties. It is considered that doing so would assist in resolving the Objector's concerns than preserving the existing trees.

On the basis of the above, it is considered that the proposed Native Vegetation Removal is a necessary undertaking to provide adequate defendable space for a dwelling that is as-of-right on the Township Zoned allotment. The trees that are to be removed are not considered overly significant, or of a high conservation value. Further, if the applicant resolved to relocate the dwelling to preserve the subject trees, it is considered inevitable that more significant native vegetation would fall within the dwelling's defendable space. The Objector's concerns have not been supported on the basis that the suggested amenity impacts are considered inevitable in a residential area, and that the trees in themselves would not have significantly reduced the impacts. These concerns are also considered to be

partially managed by Permit Conditions. As a result Council should grant a Planning Permit.

(Moved: Councillor P O'Brien/Councillor C McClounan)

Recommendation

That Planning Permit Application No. PlnApp13/064 for Removal of Native Vegetation, five (5) trees, be approved and that a Notice of Decision to grant a Permit be issued subject to the following conditions:

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority;***
- 2. The applicant is to provide a Vegetation Offset Management Plan (VOMP) which includes offset calculation, location of offset site, planting plan, and maintenance plan. Council's Sustainability Programs Coordinator must be consulted about a suitable location, and planting species. This offset must be protected and maintained for 10 years by the applicant to the satisfaction of the Responsible Authority;***
- 3. A certain number of the trees required by the offset plan must be provided on the north-western boundary of the allotment, and be of species that limit views between allotments, to the satisfaction of the Responsible Authority;***
- 4. This permit will expire if one of the following circumstances applies:***
 - a) the development is not started within two years of the date of this permit; and***
 - b) the development is not completed within four years of the date of this permit.***

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

Carried

Communication

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

Councillor N Amery returned to the room at 7:40pm

11.2.2.7 PLANNING PERMIT APPLICATION PLNAPP12/235 -
DEVELOPMENT OF A COMMUNITY SHED AT 2533 WANGARATTA-
WHITFIELD ROAD MOYHU VIC 3732,

PlnApp

12/235

Councillor T Atkins left the room at 7:40pm prior to consideration and voting of item 11.2.2.7 having previously declared a conflict of interest.

Background

Applicant:	Insite Architects Pty Ltd
Owner:	Masonic Lodge
Subject Land:	Lot 1 TP 947854 Vol 11267 Fol 350 2533 Wangaratta-Whitfield Road MOYHU VIC 3732
Zone:	Farming Zone (FZ)
Overlay:	Land Subject to Inundation Overlay (LSIO)
Permit Trigger	Development of a Community Shed (Buildings and Works associated with an existing Place of Assembly – Clause 63.05) Alteration of an Access to a Road Zone Category One (RDZ1)

Introduction

This report deals with a planning permit application for the development of a Community Shed.

The application received one (1) letter of objection and is therefore referred to Council for decision. A recommendation is made to support the application and issue a notice of decision to grant a permit (NOD).

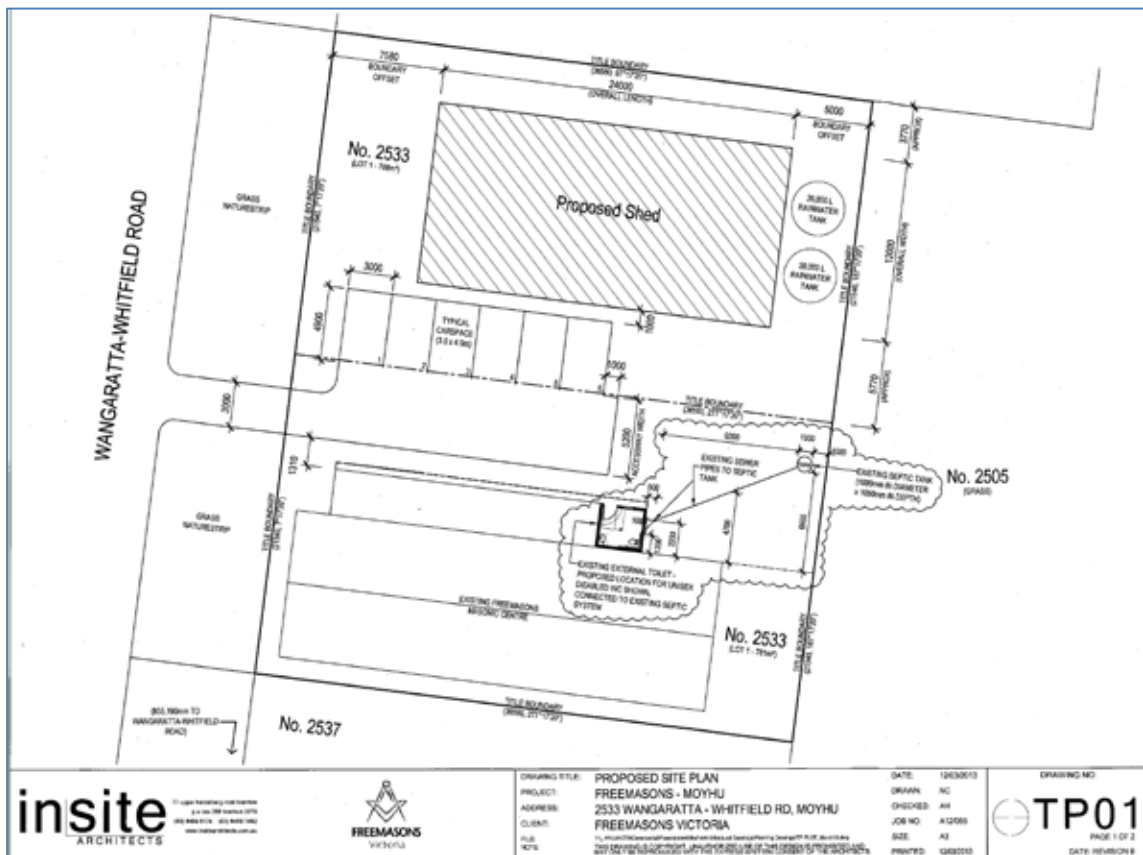
Discussion and assessment of the application against the relevant requirements of the Wangaratta Planning Scheme follows within this report.

Proposal

The application proposes development of a new shed building within Lot 1 TP947854 adjacent to the existing Masonic Hall for use as a community shed (specifically a Men's Shed). The proposal also comprises a new access point to Wangaratta-Whitfield Road, with an internal driveway and six (6) car parking spaces. The application also includes two new 20,000 litre rainwater tanks at the rear of the property.

The applicant proposes consolidation of two existing lots containing the existing Masonic Lodge and the proposed community shed building into one lot to allow the existing toilet facilities within the existing building to be shared between the two activities and formalising car parking and use between the two buildings.

Figure 1: Proposed Site Plan



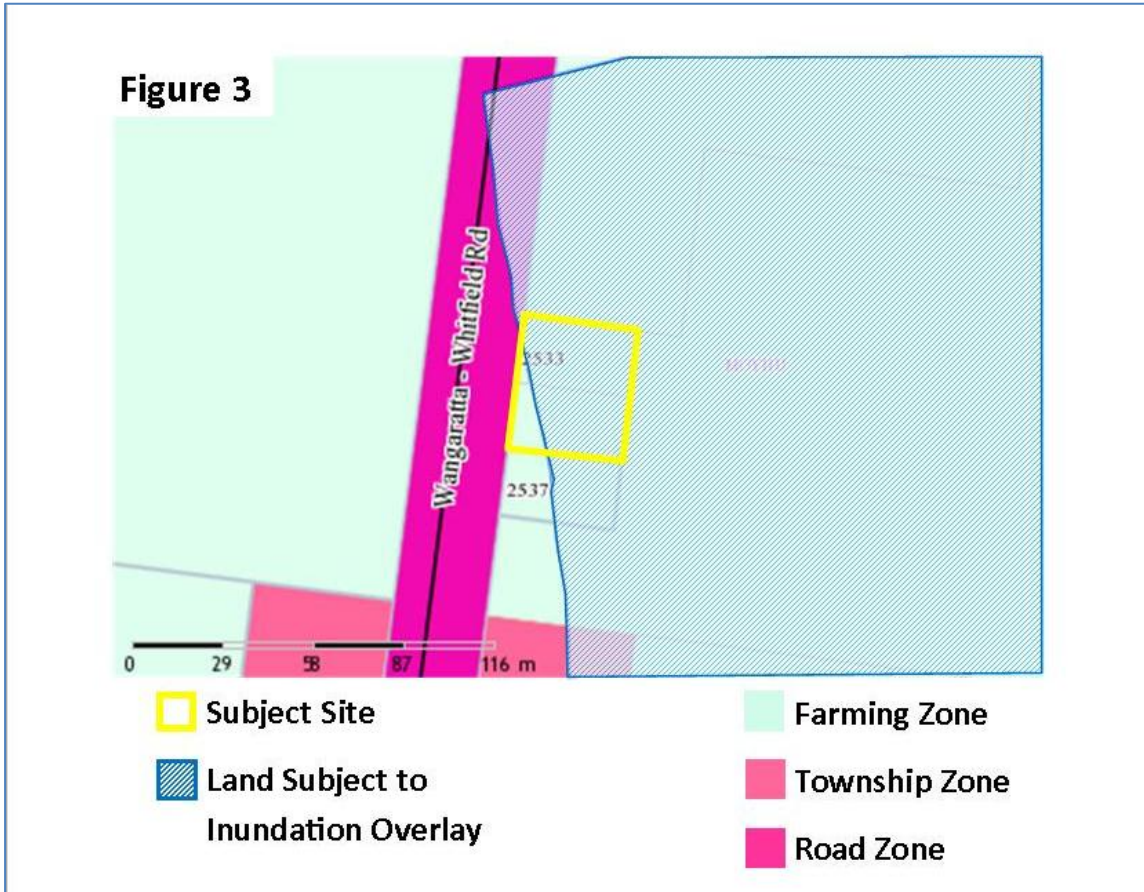
Subject Site

The subject land is located on the northern fringe of the Moyhu village along the Wangaratta-Whitfield Road. The subject allotment itself is rectangular and has a total area of approximately 781m². The lot presents a frontage width of 21.4 metres to the Wangaratta-Whitfield Road, and a depth of 36.6 metres. The subject allotment is presently vacant and is held in common ownership with the lot immediately south, with access to the lot presently shared with the adjacent southern lot. The subject lot is flat and is generally cleared of vegetation, with several existing exotic trees along the rear (east) and northern boundary.

The lot immediately south contains the existing Masonic Lodge building which comprises the majority of the lot, and is single storey in height. No formed or defined access is provided from Wangaratta-Whitfield Road, however informal access is made to the lot.



Figure 2: Aerial Photo - Site



Planning Considerations

A permit is required for use and development of the land for a place of assembly in the Farming Zone, however the proposal is being considered against the existing use rights provision of the Scheme at Clause 63.

Section	Clause	Provision
Existing Use Rights	Clause 63.05	Buildings and works in association with an existing Place of Assembly (Section 2 Use)
Farming Zone	Clause 35.07	Place of Assembly – refer to existing Use Right above.
Land Subject to Inundation Overlay	Clause 44.04-1	Buildings and works in the Land Subject to Inundation Overlay.
Road Zone Category One (RDZ1)	Clause 36.04	Alteration of an Access to a Road Zone Category One

The following summarises the Scheme requirements and decision guidelines applying to this proposal (commentary and assessment against these guidelines follows under Assessment):

Assessment

State Planning Policy Framework

Clause 13.02-1 Floodplain Management

Objective: *To assist the protection of:*

- *Life, property and community infrastructure from flood hazard.*
- *The natural flood carrying capacity of rivers, streams and floodways.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance or of importance to river health.*

Clause 14.02-1 Catchment planning and management

Objective: *To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.*

Clause 14.02-2 Water quality

Objective: *To protect water quality*

Local Planning Policy Framework

Clause 21.07 Rural Townships and Settlements

Strategic Directions include:

- *Maintain and enhance rural townships for lifestyle, economic performance and a range of residential use and development.*

Zone Provisions

Clause 35.07 Farming Zone

Purpose

- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Permit required

A permit is required to construct or carry out works associated with a use in Section 2 of Clause 35.07-1. A place of assembly is identified as a Section 2 use at clause 35.07-1.

The relevant **Decision Guidelines** of the Zone include:

General issues

- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*

Environmental issues

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

Design and siting issues

- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*

Overlays

Clause 44.04 Land Subject to Inundation Overlay

Purpose

- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

Permit required

A permit is required to construct a building or to construct and carry out works.

Clause 52.06 Car Parking

Purpose

- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Consultation

Notification of the application was given to adjoining owners and occupiers, with one written objection was received by Council. The map below shows the location of the objection being an adjoining landowner.

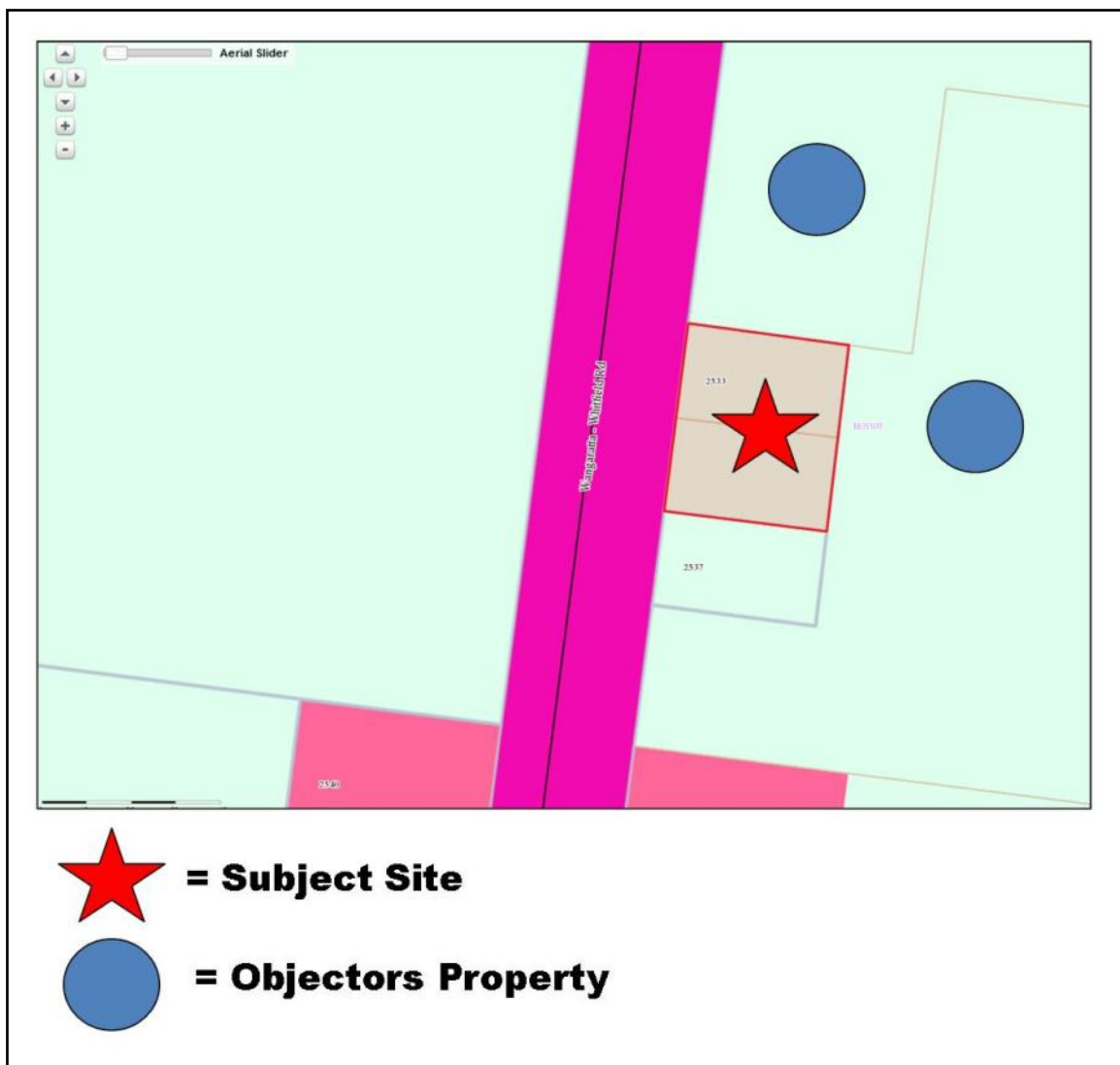


Figure 4: Location of Site and Objection

The letter of objection received advised Council that they were of the belief that the land subject to this application was in their ownership and therefore did not consent to the use of the land.

On 2 April 2013, Council officers wrote to the objector advising that the subject land for the application did not involve their land, and the lot was owned by the Masonic Lodge. Council officers also offered a conciliation meeting with the objector to seek a resolution to the issue.

A meeting was held with the objectors on 22 April 2013 on the subject property for the application. At this meeting, the objector provided copies of title (valid at the time of land transfer in 2004 to the objector). Subsequent current GIS records and two titles for the land were provided by Council Officers which demonstrated that the subject land is owned by the Freemasons.

After reviewing all of the current title information and GIS data, it became apparent that the existing Masonic Lodge and car park have been on their own separate titles. The objectors accepted this position and were advised that if they were satisfied with the outcome they could withdraw the objection and that any withdrawal request would need to be in writing.

No letter of withdrawal has been received by Council to date. However, it is clear that current title information demonstrates that the land is owned by the Freemasons and not the adjoining property owner.

Referrals

Authority	Response
External Section 55 (Mandatory)	
Goulburn Murray Water	Conditional approval to proposal, subject to conditions. GMW advised that existing toilet facilities will need to be inspected and upgraded to the satisfaction of the Rural City of Wangaratta's Environmental Health Department.
VicRoads	Conditional approval to the proposal.
North East Catchment Management Authority	Does not object to the granting of a permit. Advised that in the event of a 1% AEP flood event it is unlikely that any part of the location would be subject to inundation from either the King River or Boggy Creek, given the estimated levels of a flood event for these catchments.
Internal (Comment)	
Technical Services	No objection to the issue of a planning permit, subject to a number of conditions.

Assessment

Consistency with State and Local Planning Policy Framework

The proposal is assessed as being consistent with the relevant matters of both State and local planning policy. The extension of an existing place of assembly will increase the provision of community facilities within smaller townships. In addition, the proposal will not substantially increase the load on existing wastewater facilities and will ensure that there is no additional risk or impact upon ground or surface water quality. Conditions have been recommended for the planning permit to ensure that there will be no impact upon water quality or groundwater.

Clause 63.05 - Existing Use Rights (Place of Assembly)

The land on which the Community Shed is to be developed is used as part of the Masonic Hall located on the adjoining property. This area of land has been used for informal car parking for some time.

The Masonic Centre Hall was constructed at a time that predated the current planning requirements, and therefore its rights as a Place of Assembly continue subject to its on-going use.

The current Wangaratta Planning Scheme (Farming Zone) restricts the use of land for a Place of Assembly to 10 days in any calendar year. Given the existing use rights of the Hall and associated car parking area, the proposal for the Community Shed can be considered as Buildings and Works to a Section 2 with existing use rights and therefore not restricted to functioning to only a maximum of 10 days in any calendar year.

However, anyone using the land still has an obligation to ensure that the amenity of the surrounding area is not detrimentally affected by the use of the Men's Shed.

On balance it is considered unlikely this would occur and if it should appropriate enforcement action could be undertaken.

Wastewater Disposal

The proposed building will not include any additional toilet facilities, but will utilise the existing provisions within the adjacent Masonic Lodge. The anticipated use of the new shed is likely to be lower. Consequently, there will be minimal impact upon wastewater services for the land. The land already contains existing septic systems, which have been confirmed as having capacity by relevant internal technical assessment and agency comments.

The application includes the proposal to consolidate Lot 1 TP 947854W (subject lot) and Lot 1 TP947280W (adjacent lot containing the Masonic Lodge) in order to formalise the shared arrangement of facilities. It is considered appropriate that these lots be consolidated prior to any development of the new shed being commenced.

Car Parking

A new parking area with six (6) parking spaces has been proposed by this application. The Moyhu Masonic Centre comprises a total membership of 20 patrons. Further, it is proposed that the new Men's Shed will not be used simultaneously with the Masonic Lodge, so the maximum number of persons within either building at any one time would be 20, see calculation below.

Use	Number of spaces required per patron	Maximum patrons	Total Parking required
Place of assembly	0.3 per patron	20	6 spaces

Having regard for this maximum capacity of both buildings and the separated periods of usage for each, the provision of six spaces is adequate pursuant to clause 52.06. The revised car parking arrangements allow for all vehicles to enter and exit the site in a forwards direction, which will assist in the safe and efficient movement of vehicles to and from the land.

The proposal to consolidate both Lot 1 TP 947854W (subject lot) and Lot 1 TP947280W (adjacent lot containing the Masonic Lodge) will formalise the provision of car parking between the two buildings.

Property Access

It is proposed to formalise the existing informal access to the subject land from Wangaratta-Whitfield Road. The site has adequate sight distances in either direction, and the suitability of the access point has been confirmed by VicRoads, subject to conditions.

Conclusion

The application for development of a community shed is assessed as being appropriate for the subject land. The proposal is consistent with State and local planning policy, meets the requirements of Clause 63.05 (Existing Uses) and the design of the building meets the objectives and decision requirements of the Farming Zone.

Further, the proposal demonstrates that there is unlikely to be any detriment to groundwater or water quality through additional development in the Land Subject to Inundation Overlay. Conditions of permit will ensure impacts from the proposal, both direct and indirect, are minimised.

(Moved: Councillor D Joyce/Councillor P O'Brien)

Recommendation:

That Planning Permit Application No. PlnApp12/235 for Development of a Community Shed be approved and that a Notice of Decision to grant a Permit be issued subject to the following conditions:

- 1. The development must be undertaken generally in accordance with the plans submitted with the application and approved by the Responsible Authority (Drawing No TP01-TP02 prepared by Insite Architects, dated 12.03.2013);***
- 2. Prior to the development commencing, Lot 1 TP 947854W and Lot 1 TP947280W must be consolidated and copies of the new title must be provided to the Responsible Authority;***
- 3. Prior to the commencement of use, one unisex disabled toilet must be provided as shown on Drawing No TP01 prepared by Insite Architects, dated 12.03.2013);***
- 4. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority;***
- 5. A “Consent to Work within a Road Reserve” permit is required where works are within public road reserves;***
- 6. All roof water from buildings and surface water from hard paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge so as to prevent storm water nuisance to adjoining land;***
- 7. Prior to the commencement of the use, a vehicle crossing must be constructed in accordance with Standard Drawing SD-255 - of Council's Infrastructure Design Manual [IDM], and to the satisfaction of the Responsible Authority;***
- 8. Vehicles must enter and leave the property in a forward direction at all times;***
- 9. This permit will expire if one of the following circumstances applies:***
 - a. the development is not started within two years of the date of this permit; and***
 - b. the development is not completed within four years of the date of this permit.***

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

Goulburn Murray Water Conditions

- 10. Lot 1 TP 947854W and Lot 1 TP947280W must be consolidated prior to the commencement of use for the Mens Shed;**
- 11. All wastewater must be disposed of via connection to the existing septic tank system. If necessary, the system must be upgraded to the satisfaction of Councils Environmental Health Department;**
- 12. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance;**

VicRoads Conditions

- 13. Only one vehicular access will be permitted from subject land to the Wangaratta-Whitfield Road. The access point shall be located at the location of the existing access as shown on the proposed site plan for Freemasons - Moyhu, drawing number TP01, prepared by Insite Architects dated 7 December 2012;**
- 14. Prior to the commencement of use the access shall be upgraded in accordance with the layout for a Typical Rural Driveway Access to Residential Properties - Type C, drawing number SD2066;**
- 15. The driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (for example by spilling gravel onto roadway; and.**
- 16. All works associated with the above requirements are to be completed at no cost to VicRoads and the road reserve must be left in a neat and tidy condition.**

Carried

Communication

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

Councillor T Atkins returned to the room at 7:42pm.

11.2.2.8 ENGAGEMENT OF CONSULTANTS - THE DEPARTMENT OF TRANSPORT, PLANNING AND LOCAL INFRASTRUCTURE (FORMERLY DPCD) RURAL FLYING SQUAD – IMPLEMENTATION OF FLOODPLAIN MANAGEMENT PLAN OVENS RIVER FLOOD STUDY – AMENDMENT TO WANGARATTA PLANNING SCHEME

Consultant Engagement - Approval by Council

20.010.010

Introduction

In accordance with Council's resolution at the January 2013 Council meeting:

'That Council review and decide upon the engagement of all external consultants except in emergencies for the next twelve months',

approval is being sought to engage consultants through the the Department Of Transport, Planning And Local Infrastructure (formerly DPCD) "Rural Flying Squad" to assist Council to implement the relevant sections of the Floodplain Management Plan for the Ovens River.

Scope of Work

The North East Catchment Authority prepared in July 2003 a report entitled *Flood Study and Preparation of a Floodplain Management Plan for the Ovens Floodplain between Whorouly and Wangaratta*.

While the Floodplain Management Plan provides detailed guidance for management of the floodplain the Plan provides specific planning controls within the Ovens floodplain. This includes identifying where planning permits are and are not required and the necessary protection of development within the floodplain. The inclusion of these recommendations in the Planning Scheme will increase certainty and clarify existing scheme planning controls.

Statement of Need

The Department of Transport, Planning and Local Infrastructure (formerly DPCD) have established the Rural Flying Squad to provide resources to assist Councils. The Rural Flying Squad is fully funded by The Department of Transport, Planning and Local Infrastructure (formerly DPCD) and engagement of consultants is undertaken on our behalf or to do work for us at no cost to Council. It is recommended that Council take advantage of these resources.

Conclusion

Approval is sought for Council to engage the the Department of Transport, Planning and Local Infrastructure (formerly DPCD) Rural Flying Squad to assist with implementing the key outcomes of the Floodplain Management Plan for the Ovens River floodplain.

(Moved: Councillor J Fidge/Councillor N Amery)

Carried

Recommendation

That Council approve an application to the Department Of Transport, Planning and Local Infrastructure (formerly DPCD) under the Rural Flying Squad to engage suitable consultants to assist Council to implement the key recommendations for amendments to the Wangaratta Planning Scheme and Preparation of a Floodplain Management Plan for the Ovens Floodplain between Whorouly and Wangaratta.

11.2.3 COMMUNITY WELLBEING

11.2.3.1 APPOINTMENT OF YOUTH COUNCIL 2013/14

Youth Council

10.020.010

This report was dealt with at the beginning of the agenda.

Introduction

The purpose of this report is to seek Council's endorsement of the selected nominees for membership on the Rural City of Wangaratta Youth Advisory Committee for the 2013/14 term.

Background

Nominations were recently invited by publicly advertising for membership on the Rural City of Wangaratta Youth Advisory Committee (Youth Council) for the 2013/14 term. A total of 22 candidates applied, all have been interviewed and 12 have been selected to participate on the Youth Council program.

Nominations were sought from the four local secondary education institutions and other youth agencies within Wangaratta. There was also public advertisement through newspapers, Council's website and the Youth Council Facebook social media site.

The process used to establish the recommended participants involved the submission of a nomination for the candidate, consideration of the nominations and then a one on one interview of each of the candidates. At interview, each candidate was scored against set criteria and consideration was also given to the candidate suitability, availability and the potential attributes that they would bring to Youth Council.

The panel established to consider these nominations included:

- Councillor Lisa McInerney, portfolio holder for Community Wellbeing;
- Youth Mayor Belle Currie;
- Youth Councillor Elizabeth Hindle;
- Youth Councillor Hazel Vaughan;
- Penny Hargrave, Acting Director Community Wellbeing;
- Leonie Painter, Manager Community and Recreation;
- Justine Ambrosio, Cultural Development Officer; and
- Katy Hawkins, Community and Youth Development Officer.

Three panel members were in attendance at each of the interviews.

Discussion

The following young people are recommended to represent their peers in the Youth Council 2013/14 program:

Ella Thomas	Wangaratta High School
Max Dewez	Wangaratta High School
Nicholas Lorenz	Wangaratta High School
Sofia Kennedy	Wangaratta High School
Esme Currie	Wangaratta High School
Zoe Matthews	Wangaratta High School
Alex Darbyshire	Wangaratta High School
Nathan Jeffries	Wangaratta High School
Zoe Stinson	Galen College
Isabelle Smith	Galen College
Meg Walch	Galen College
Chloe Hancock	Galen College

Those nominees that were unsuccessful in being selected for the 2013/2014 Youth Council were advised of the very competitive process and will be encouraged to renominate next year.

It should be noted that three current Youth Councillors are being recommended to have a further term.

Implications

Council Plan Outcomes

To promote and support youth leadership by engaging young people and strengthening their involvement in the community.

Sustainability

The Youth Council provides a voice for young people to Council and the community. Many activities and events undertaken by Youth Council engage young people who otherwise may not have the opportunity to do so.

Council has allocated funds to operate the Youth Council program. The Youth Council has input into how these funds are utilised through the development of a Youth Council Action Plan.

Conclusion

Through the Youth Council program, young people are given opportunities to:

- Represent their peers;
- Become involved in community activities;
- Gain a wider understanding of community issues; and
- Enhance their leadership skills.

Recommendation

That Council appoint the following young people as Youth Councillors to the Rural City of Wangaratta Youth Advisory Committee for a term commencing 2 July 2013 and concluding on 30 June 2014:

<i>Ella Thomas</i>	<i>Wangaratta High School</i>
<i>Max Dewez</i>	<i>Wangaratta High School</i>
<i>Nicholas Lorenz</i>	<i>Wangaratta High School</i>
<i>Sofia Kennedy</i>	<i>Wangaratta High School</i>
<i>Esme Currie</i>	<i>Wangaratta High School</i>
<i>Zoe Matthews</i>	<i>Wangaratta High School</i>
<i>Alex Darbyshire</i>	<i>Wangaratta High School</i>
<i>Nathan Jeffries</i>	<i>Wangaratta High School</i>
<i>Zoe Stinson</i>	<i>Galen College</i>
<i>Isabelle Smith</i>	<i>Galen College</i>
<i>Meg Walch</i>	<i>Galen College</i>
<i>Chloe Hancock</i>	<i>Galen College</i>

Communication

Youth Councillors will be formally advised of the outcome of Council's decision.

Tender Evaluation

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

Criteria	Weighting
Price	50%
Ability to perform functions of the service	30%
Experience in provision and proposed service plan	10%
Customer Service	5%
Compliance	5%
Total	100%

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

Score	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.

Conclusion

YMCA, as the incumbent contractor, has a strong demonstrated ability to fully perform the functions of the service and meet contract requirements over the next five years. The YMCA 2012 Customer Satisfaction Survey for the facility showed that 96.55% of survey respondents were satisfied with customer service and 95.69% felt that the service provided value for money.

Recommendation

That Council:

1. *award Contract C1213/045 for the Management and Operation of the Wangaratta Indoor Sports and Aquatic Centre (WISAC), and the Olympic and Yarrunga Pools to YMCA Victoria of 582 Heidelberg Road, Fairfield 3078, for a five (5) year period commencing 1 July 2013 and ending on 30 June 2018;*
2. *instruct the Chief Executive Officer to sign and seal all relevant Contract C1213/045 documents when available; and*
3. *disclose the contract price inclusive of GST, for Contract C1213/045 for the Management and Operation of the Wangaratta Indoor Sports and Aquatic Centre (WISAC), and the Olympic and Yarrunga Pools.*

(Moved: Councillor D Joyce/Councillor P O'Brien)

That this report be deferred to the Special Council Meeting on Friday 21 June 2013.

Carried

11.2.4 INFRASTRUCTURE SERVICES

11.2.4.1 ADOPTION OF THE DRAFT ROAD MANAGEMENT PLAN

Road Management Plan

80.010.015

Introduction

This report provides Council with feedback on the outcomes of the public consultation period for the Draft Road Management Plan review.

Background

In accordance with section 302 of the Road Management (General) Regulations 2005, the Rural City of Wangaratta is conducting a review of its Road Management Plan.

The purpose of the review is to assess current road management practices, including the inspection, maintenance and repair of all Council roads as listed in Council's Register of Public Roads, with regard to Council resources and community expectations.

Council's intention to review the Road Management Plan was advertised in the Government Gazette on 24 January 2013. The submission period closed on 22 February 2013. Two external submissions were received by close of the advertising period.

Whilst undertaking the review of the Road Management Plan, both submissions were taken into consideration. Changes made to the Draft Road Management Plan throughout the review period were documented and a report summarising the findings and conclusions of the review was produced and reported to Council at its meeting held on 16 April 2013.

Copies of the Draft Road Management Plan were then made available for inspection at the Wangaratta Government Centre, on Council's website and notice that the Draft Road Management Plan was available for inspection and comment was advertised in the Government Gazette on 26 April 2013 and Wangaratta Chronicle on 19 and 26 April. The submission period closed on 24 May 2013.

A copy of the Draft Road Management Plan is attached (*refer attachment*).

Issues

Two external submissions were received by the close of the advertising period, with the following issues being put forward:

- A request to include the eastern section of Orton Road, Murrumgee and the southern section of Rae Road, Murrumgee on the Register of Public Roads; and

- A request to include Francis Road, Killawarra on the Register of Public Roads.

A road is considered a Public Road (in accordance with the *Road Management Act 2004*) if the road authority has made a decision that the road is 'reasonably required for general public use' and hence, included on the Register of Public Roads.

The decision to include the above mentioned roads on the Register of Public Roads will be considered. The outcome will not affect this Road Management Plan review. Nonetheless, the submitters will receive a response addressing their issues as part of the review process.

Implications

Council Plan Outcomes

The review of the Road Management Plan fits with the Council Plan objective to plan for and provide infrastructure appropriate to the community's needs.

Conclusion

As the two submissions received did not require changes to the Draft Road Management Plan it is recommended that the Draft Road Management Plan be adopted.

(Moved: Councillor P O'Brien/Councillor T Atkins)

Recommendation

That Council adopt the Draft Road Management Plan as presented.

Carried

Communication

The Road Management Plan will be made available for viewing at the Wangaratta Government Centre and on Council's website.

11.2.4.2 PETITION – PLANE TREE ISSUES IN MELDRUM STREET, WANGARATTA

Meldrum Street

14880*

Introduction

A petition containing some 8 signatures from residents of Meldrum Street, Wangaratta was tabled at the Council meeting held on 21 May 2013.

Background

At the Council meeting held on 21 May 2013, Council resolved as follows:

“That:

1. the petition regarding the pruning/lopping of plane trees in Meldrum Street, Wangaratta be received; and
2. a report into investigations into the request within the petition be considered at the June 2013 Ordinary Council meeting.”

The petitioners requested an on-site meeting with Council’s Arborist to consult with home owners concerning the pruning/lopping of the extreme height of the trees, and to consider the position of electricity and telephone lines.

Issues

Unfortunately the date scheduled (as requested by residents) for a meeting with Council’s Arborist and Manager – Technical Services was too late for a report to be prepared for the June Council meeting. Therefore it was confirmed with residents that a report would be prepared after the on-site meeting and forwarded to Council’s Ordinary Council meeting on 16 July 2013 for consideration.

(Moved: Councillor T Atkins/Councillor D Joyce)

Recommendation

That Council receives a report on the investigations into the request within the petition relating to Plane trees in Meldrum Street for consideration at the 16 July 2013 Ordinary Council meeting.

Carried

11.2.4.3 REPORT ON JOINT LETTER AND PETITION – REQUEST TO SEAL EDI-CHESHUNT ROAD, CHESHUNT

Edi-Cheshunt Road

12230*

Introduction

A joint letter and petition was tabled at the April Council meeting regarding a request to seal the Edi – Cheshunt Road, Cheshunt.

This report responds to issues raised by the petitioners.

Background

On the 27 March 2013 a joint letter and petition was received from concerned residents and users of the Edi - Cheshunt Road, Cheshunt requesting the sealing of the road highlighting the following issues:

- Punctured tyres to vehicles due to the sharp edge gravel;
- Cracked windscreens due to the loose gravel being dislodged by passing vehicles;
- Sections of the road are too narrow or contain blind corners, which make it difficult for drivers to pull aside to allow the safe passing of oncoming larger vehicles;
- Too dangerous for the pick-up or drop-off of children from the local school bus;
- Excessive dust due to the unsealed surface causing a dangerous environment;
- Dust from the road transferred into adjoining property's water tanks;
- Potential breach of health and safety laws due to the dust affecting adjoining vineyards;
- Road too dangerous for bicycle users; and
- Car hire conditions prohibit the use of cars on unsealed roads.

Issues

Council Officers have been aware of the dust issues along the Edi-Cheshunt Road via previous concerns from local residents.

An inspection of the subject section of road, approximately 3.5 kilometres in length from the end of seal in Cheshunt to Gentle Annie Lane has recently been undertaken. The following observations and comments are listed below:

- Excessive dust emanating from the road surface material from vehicle use;
- Road safety issues relating to sight visibility (lack of suitable sight distance);
- Road safety issues relating to the provision of prior warning signage for tight bends and corners; and
- Road safety issues relating to narrow roadway and suitability for use by all road users (i.e. cyclists).

Some of the local properties also have dwellings located close to the roadway which could potentially also be impacted by dust.

If Council was to consider sealing this section of the Edi - Cheshunt Road, realignment of some of the sharp corners and removal of hazards close to the roadway (i.e. within the recommended clear zone) should also be considered.

Implications

The cost to upgrade and seal the roadway would be approximately \$400,000 to \$500,000 per kilometre. Therefore, to seal the 3.5 kilometre section would cost Council in the vicinity of \$1.4 M to \$1.75 M. The high costs make the project unfeasible without attracting external funding.

Furthermore, Council is aware of other similar competing projects; some of which generate higher traffic volumes than the Edi – Cheshunt Road.

The road safety issues will need to be thoroughly investigated and explored with appropriate treatments introduced as required.

In the interim, it is important to note, in relation to the road safety issues, there is an onus on all road users to drive according to the road conditions at all times, noting this is particularly relevant to gravel roads as the condition of the road can change in a very short period of time. Therefore as an example, if visibility is minimised then the driving approach of motorists needs to be adjusted accordingly.

Unfortunately, punctured tyres, broken windscreens and dust are common issues related to gravel roads and speeding traffic and is in many cases only controlled with sensible courteous driver behaviour or sealing of the road pavement.

Council Plan Outcomes

The actions mentioned in this report relate to the Council Plan objective to plan for and provide infrastructure appropriate to the community's needs.

Community Engagement

Council Officers are aware of the concerns relating to the Edi-Cheshunt Road via previous correspondence with some local residents. On-site meeting and discussions have taken place, to discuss similar issues raised on this petition.

Conclusion

Council Officers will investigate the Road Safety Issues and consider appropriate implementation of road safety strategies as required. Some of these strategies will require projects to be considered through Council's Project Assessment Process through the budget.

It is unlikely that Council will be in position to fund the sealing of the Edi-Cheshunt Road without attracting external funding.

(Moved: Councillor P O'Brien/Councillor T Atkins)

Recommendation

That Council note the report and request Council Officers to:

- 1. Investigate funding opportunities for the construction and sealing of Edi Cheshunt Road between the end of the existing seal through to the newly sealed section fronting the Primary school; and***
- 2. Investigate, plan and design the introduction and implementation of road safety initiatives to be considered as part of Council's Project Assessment Process through the annual budget.***

Carried

Communication

The signatories of the joint letter accompanying the petition will be advised on Council's determination on this matter.

11.3 SPECIAL COMMITTEE REPORTS

Nil

11.4 ADVISORY COMMITTEE REPORTS

(Moved: Councillor P O'Brien/Councillor T Atkins)

That reports 11.4.1.1, 11.4.1.2, 11.4.1.3, 11.4.1.4 and 11.4.1.5 be received and noted.

Carried

11.4.1.1 ARTS CULTURE AND HERITAGE ADVISORY COMMITTEE REPORT

Cultural/Arts Issues

67.010.006

Background

The Arts, Culture and Heritage Advisory Committee (ACHAC) held a strategic planning workshop on 15 April 2013.

Attendees included Ruth Tai, Cr Lisa McInerney, Irene Grant, Penny Hargrave, Dianne Mangan, Justine Ambrosio, Rhonda Diffey, David Godkin, Ken Gaudion, Tina Thompson, Lorraine Monshing, Val Gleeson, Loueen Twyford, Valerie Brennan, and Wendy Daly.

No conflicts of interest were declared.

The following items were discussed at the workshop:

- The previous achievements of ACHAC (outlined in detail below);
- Council's commitment to the arts through the Wangaratta Art Gallery, the Wangaratta Performing Arts Centre and Cultural Development Program;
- The Rural City of Wangaratta 2030 Community Vision themes;
- The ACHAC Charter and objectives;
- The contribution of ACHAC to the ongoing development of the arts, culture and heritage in the Rural City of Wangaratta; and
- The development of a 12 month Strategic Plan of Action for ACHAC.

ACHAC Achievements

The Committee summarised the following achievements to date:

- Development of the ACHAC Strategic Plan that formed the basis for the development of the Cultural Services Plan (notably the vision statements and objectives that were utilised for the Cultural Services Plan 2002);
- Input into the Wangaratta Arts Gallery upgrade in 2001-02 - a \$250,000 project funded via Council and Arts Victoria;
- Contribution to the Wangaratta Performing Arts Centre feasibility study, design brief, concept plan and Centre development;
- Input into the initial Public Art Strategy and Policy and subsequent revised documents;
- Input into the original and subsequent Art Gallery Collection Policy;
- Input into the development of the Sculpture Award event;
- Input into the purchase, placement and funding for the sculpture by Dianne Orton (2003), now located in Ovens Street, Wangaratta
- Representation on the expert panel for the Apex Park Sculpture Commission;
- Significant input into the idea, design and development of the Arts Notice Board installed in 2005;
- Input into and support for the Wangaratta Arts Gallery Upgrade Project, 2011-13;
- Input into the placement of the Milawa Sculpture and selection of alternative locations; and
- Input into the Current Sculpture Award review and the new Public Art Commission process.

Conclusion

A further report will be provided to Council regarding the development of an Arts, Culture and Heritage Advisory Committee Strategic Plan.

(Moved: Councillor /Councillor)

Recommendation

That Council 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 29 November 2012 with the following members in attendance:

Present: Ms Joanne Ryan (Chair); Councillor Rozi Parisotto, Mayor; Mr Peter McNeill; Mr David Whitehouse.

In attendance: Mr Doug Sharp, CEO; Mr Ray Park, Director Sustainability; Ms Ailsa Box, Acting Manager Finance; (Councillor Paul O'Brien attended as an observer).

Apologies: Mr Stephen Clarke, Johnsons MME (Internal Auditor)

No conflicts of interest were declared.

The following items were discussed at the meeting:

- Quarterly Finance Report;
- External Auditor Report;
- Key Performance Indicators;
- Internal Audit program progress;
- Risk Register;
- Compliance matters;
- Delegations of authority – deferred;
- New Council policies and amendments;
- Audit Advisory Committee Biennial Agenda;
- Chairman's report;
- Audit Advisory Committee Self-Assessment; and
- Price Waterhouse Coopers Audit and Risk Committee Newsletter

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

External Auditor Report

Council' External Audit contractor, Richmond Sinnott & Delahunty, submitted a management letter for the year ended 30 June 2012. A number of procedural matters will be implemented or altered as a result of the audit management letter.

Internal Audit Program Progress

Future projects will include information technology security, credit cards, accounts payable and contract management compliance.

Risk Register

The operational risks identified have been reviewed and extensive work undertaken to reduce or eliminate the risk. The report has been updated to reflect actions taken to mitigate or eliminate the risk.

A number of risks have been mitigated to the extent that the matter can be considered "closed". This will be subject to a further review in two years - in 2014.

Compliance Matters

No matters of non-compliance were reported.

New Council Policies and Amendments

The following new policies were provided to the committee:

- Wangaratta Art Gallery Collection Policy – Council Meeting 18/09/2012; and
- Policy for naming Roads, streets and other accessways – Council Meeting 20/10/12

Election of Chairman

Mr Peter McNeill was nominated, and accepted the position of Chairman for a twelve month term.

(Moved: Councillor /Councillor)

Recommendation

That Council receive and note the report.

11.4.1.3 AUDIT ADVISORY COMMITTEE MEETING REPORT

Audit Advisory Committee

51.020.004

Introduction

The Audit Advisory Committee held a meeting on 7 March 2013 with the following members in attendance:

Present: Mr Peter McNeill (Chair); Councillor Paul O'Brien; Mr David Whitehouse.

In attendance: Mr Doug Sharp, CEO; Mr Ray Park, Director-Sustainability; Mrs Ruth Kneebone, Manager-Finance; Mr Stephen Clarke, Johnsons MME (Internal Auditor).

Apologies: Ms Joanne Ryan; Councillor Rozi Parisotto;

No conflicts of interest were declared.

The following items were discussed at the meeting:

- Minutes – format and distribution timing;
- External auditor reports;
- Quarterly finance report;
- Monthly finance report;
- Quarterly works and activities report;
- Council Plan – progress report;
- Key Performance Indicators as at 31 January 2013;
- Review scope of internal audit plan;
- Review resources allocated to internal audit;
- Internal Audit reports;
- Status of internal audit recommendations;
- New Council policies and amendments;
- Review procurement practices;
- Ethical standards and related party transactions;
- Compliance matters;
- 2012/2013 budget review;
- Budget and Council Planning;
- National Competition Policy Reporting;
- Local Government Performance Reporting Framework (LGPRF)
- Auditor General Financial Sustainability Indicators;
- Better Practice Results for financial report preparation;
- GST changes to Division 81 Exemptions for Local Government;
- Local Authorities Superannuation Fund Defined Benefit Plan; and
- Audit Advisory Committee Biennial Agenda.

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

Review Scope of Internal Audit Plan

It was determined that the 2013/2014 internal audit program include the following projects:-

- Business continuity and disaster planning;
- Risk management;
- Procurement; and
- Compliance.

Internal Audit Reports

A report was presented by Council's internal auditor regarding the credit cards project. A draft Purchasing Card policy was provided for review by the committee.

Status of Internal Audit Recommendations

Internal audit recommendations are included in Council's Risk Register. This register contains all identified risks to Council and is updated with accepted actions identified from internal audits.

The risks that were due for completion since the last meeting of this committee and their status are provided for review. The risks due for action during 2013 are provided for information.

Compliance Matters

No matters of non-compliance were reported

Review Procurement Practices

The *Local Government Act 1989* (the Act) prescribes that a Council must prepare and approve a Procurement Policy. The Committee were provided with Council's existing Procurement Policy for reference. It is expected that Council will review this Procurement policy in the near future. The committee considered comments in relation to the Policy and resolved to '*consider whether to provide advice to Council in regard to the Procurement Policy*'.

Ethical Standards and Related Party Transactions

The Committee discussed the requirements in the Act prescribing principles for Councillor conduct and the adoption of a Councillor Code of Conduct.

Local Government Accounting Guidelines require disclosure of certain information regarding payments to, and transactions with, any person holding the position of 'Responsible Person' or 'Responsible Person Related Parties' with the Council during the financial year in the financial statements.

Compliance Matters

There are a number of instances of alleged non-compliance with legislation or Council policies by Councillors and generally involving Councillors.

There are two instances of legal proceedings served on Council by external parties.

Local Government Performance Reporting Framework

The Minister for Local Government has committed to developing a performance reporting framework that will be compulsory for councils for the 2014-15 financial year.

Auditor General Financial Sustainability Indicators

The Victorian Auditor General has provided an annual report to Parliament on the outcome of the 2011-2012 audits of all Local Government entities. Among other matters the report contains the Auditor General's assessment of the financial sustainability of councils.

The Committee noted that Council's financial sustainability has been assessed as, overall, Low Risk.

(Moved: Councillor /Councillor)

Recommendation

That Council receive and note the report.

11.4.1.4 YOUTH COUNCIL ADVISORY COMMITTEE REPORT

Youth Council

10.020.010

Background

The Youth Council Advisory Committee held a meeting on 17 April 2013.

Attendees: Youth Mayor Belle Currie; Youth Councillors Sofia Kennedy, Mary Watter, Zoe Stinson, Amy Faithfull, Elizabeth Hindle, Max Dewez and the Director – Community Wellbeing and the Youth Development Officer.

No conflicts of interest were declared.

The following items were discussed at the meeting:

- YMCA Youth Parliament support;
- Unbranded events;
- Planned involvement at the Volunteer Appreciation event on 18 May 2013 ;
- National Youth Week report;
- Creative Youth report;
- Flying Fruit Fly Circus and 360 All Stars report; and
- Sport and Recreation Advisory Committee meeting report.

The following items are provided for Councillors information.

YMCA Youth Parliament

YMCA Youth Parliament is an annual program run by YMCA Victoria that encourages young people to take part in a simulation of Victorian Parliament. Young people are given the opportunity to debate issues affecting them and raise bills that if approved are given to State Government. Youth Council has been asked to financially support this program with a \$500 contribution to ensure that the Wangaratta team is able to attend this year.

Creative Youth

Creative Youth and Youth Council members recently participated in training to use the sound system. This enables a wider range of young people to have the skills to run live music at youth events. Creative Youth ran the stage sound system at the recent Youth Week Youth Festival and will provide the sound system for the Volunteer Appreciation event on 18 May 2013.

(Moved: Councillor /Councillor)

Recommendation:

That Council receive and note the report.

11.4.1.5 YOUTH COUNCIL ADVISORY COMMITTEE MEETING REPORT

Youth Council

10.020.010

Background

The Youth Council Advisory Committee held a meeting on 21 May 2013.

Attendees: Youth Councillors Sofia Kennedy, Zoe Stinson, Amy Faithfull, Elizabeth Hindle, Hazel Vaughan, Melinda Suter, Max Dewez and Youth Mayor Belle Currie, Katy Hawkins (Youth Development Officer).

No conflicts of interest were declared.

The following items were discussed at the meeting:

- Youth Council nominations update;
- Youth Affairs Council of Victoria; “Get Out of Town” conference;
- Unbranded update;
- Across the Arts film workshop report;
- Youth Affairs Council of Victoria; Project Rokit report; and
- Volunteer Appreciation event.

The following items are provided for Councillors information.

“Get Out of Town” conference

On 6 June 2013 two Youth Councillors together with the Youth development Officer and the Manager of Community and Recreation will be attending the “Get Out of Town” conference in Castlemaine. This conference will feature presentations from Councils across rural and regional Victoria about innovative ways to engage with a diverse range of young people.

Project Rokit report

Youth Affairs Council Victoria (YACVIC) recently partnered with the Rural City of Wangaratta to bring the Project Rokit leadership workshops to Wangaratta for over 60 emerging young leaders in the community.

(Moved: Councillor /Councillor)

Recommendation:

That Council 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:

- a) the names of all Councillors and members of the Council staff attending;
- b) the matters considered;
- c) any conflict of interest disclosures made by a Councillor attending; and
- d) 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
12-06-2013	Draft Council Agenda & Deputations	Attachment
11-06-2013	Draft Council Agenda & Deputations	Attachment
4-06-2013	Councillors’ Briefing Forum	Attachment
28-05-2013	Councillors’ Briefing Forum	Attachment
21-05-2013	Prior to Ordinary Council Meeting	Attachment
15-04-2013	Arts, Culture and Heritage Advisory Committee	Item 11.4.1.1

(Moved: Councillor N Amery/Councillor C McClounan)

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 Forums dated 28 May 2013 and 4 June 2013:

- § ***Budget Papers 2013/2014 (28 May 2013)***
- § ***Vision Super – 2011/12 Annual Review***
- § ***Reports Heldover From Previous Forums***
- § ***Consultant Reports Not Approved***
- § ***Council Subscriptions***
- § ***Customer Request Management System***
- § ***Correspondence Procedure***
- § ***Budget Papers 2013/2014(4 June 2013)***
- § ***Request From Councillor J Fidge***

Carried

13. NOTICE OF MOTION

13.1.1.1 NOTICE OF MOTION NO. 52

Notice of Motion

10.010.010

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

(Moved: Councillor J Fidge/Councillor T Atkins)

That the motion carried by Council at its Ordinary meeting on 22 January 2013 as follows, be amended to provide that engagement of consultants that meet the criteria as set out below be excluded from Council consideration and be determined by management:

'That Council review and decide upon the engagement of all external consultants except in emergencies for the next twelve months.'

Criteria:

- ***Consultancies which are no cost to Council;***
- ***Consultancies which are funded by grants; and***
- ***Consultancies under \$10,000.***

Carried

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 C1213/045 for the Management and Operation of the Wangaratta Indoor Sports and Aquatic Centre (WISAC), and the Olympic and Yarrunga Pools

(Moved: Councillor D Joyce/Councillor P O'Brien)

That the authorisation of signing and sealing of documents be deferred to the Special Council Meeting of Friday 21 June 2013.

Carried

16. PUBLIC QUESTION TIME

Public Question Time

10.020.004

Garry Nevin – Bobinawarrah

Mr Nevin commented that Council adopted the Rural Land Strategy Draft 2 with amendments on 26 June 2012. The resolution included a request for an authorisation by the Minister for Planning for the Council to prepare an amendment to its Planning Scheme.

Mr Nevin then asked has that authorisation of the Minister been sought. If so, when and what reply, if any, has been received.

Mr Peter Mangan, Acting Director Sustainability, replied that he would take the question on notice.

Malcolm Carson – Docker

Mr Carson asked if it was legally correct to have demonstrators with placards in the Council Chambers.

Mr Peter Mangan, Acting Director Sustainability, responded that there was nothing in *Local Law No.2 of 2009* which prevented this occurring.

Noel Fidge – Docker

Mr Fidge referred to the cycling paths around the municipality and enquired if there was any way to enforce cyclists to use these paths instead of the roads as he was concerned about the safety of road users.

Mr Peter Godfrey, Acting Director of Infrastructure, replied that Council can only encourage people to use the paths but we are unable to legally enforce the use. Mr Godfrey suggested that Council could look at ways to put engineering encouragement in place.

Ms Patti Wenn, Acting Director Community Wellbeing, added that bicycles are legally recognised as vehicles.

Jim Lewis – Wangaratta

Mr Lewis referred to the 2030 Vision and the Draft Council Plan revision and enquired if ACHAC was responsible for the revision of the 2030 vision as item 11.4.1.1 seemed to indicate that ACHAC were developing the themes for this revision.

Ms Patti Wenn, Acting Director Community Wellbeing, explained that ACHAC were referring to the 2030 Vision in developing their own cultural strategy. The revision of the Community Vision will be taking place in 2014/2015.

Ken Clarke – Wangaratta

Mr Clarke referred to a question he asked at the April 2013 Council Meeting regarding the Roy Street Overpass and the dangerous condition of the road and asked what was being done and when would it be fixed.

Mr Peter Godfrey, Acting Director of Infrastructure, responded that the issue was under investigation and he would take the question on notice.

Lauren McCully – Wangaratta

Ms McCully asked what the expected total cost to Council would be of the various investigations in process and had there been an allowance made in the 2013/2014 budget for this.

Mr Peter Mangan, Acting Director Sustainability, replied that, as the 2013/2014 budget is still in construction, he is unable to give an answer at this time regarding future allowances. As to the ongoing costs, Mr Mangan explained that there was a monthly financial report due shortly but he did not have the exact figure at the moment. The amount had been \$90,000 but that figure would have increased.

Jim Lewis – Wangaratta

Mr Lewis referred to the adoption of the Council Plan and said he understood that many reasons had prevented this being adopted at this meeting, but asked how the public were informed that this would be dealt with at the Special Meeting.

Councillor Rozi Parisotto, Mayor, explained to Mr Lewis that the 21 June 2013 Special Meeting to adopt the Council Plan, had been advertised in the Wangaratta Chronicle.

Mr Lewis then asked would there be any question time and, if not, how the public would be informed of the process for dealing with the submissions.

Mr Peter Mangan, Acting Director Sustainability, responded that Council followed statutory processes in relation to the adoption of the Council Plan. The Council Plan has been advertised and a draft Council Plan has been put on exhibition. Council received 24 submissions with a lot of quality suggestions and ideas which Council has integrated into the Council Plan. The statutory process does not allow for additional rounds of community consultation and the final Council Plan goes to the Special Meeting for adoption.

Ty Lockwood – Australian Services Union

Mr Lockwood enquired as to how Council intended addressing the substantiated report of 21 of 23 bullying allegations against Councillor Fidge, to ratepayers.

Councillor Rozi Parisotto, Mayor, responded that the matters referred to are matters which have been deemed confidential and, as such, they would not be dealt with in this forum.

Rula – Glenrowan

Rula expressed her concerns regarding her business over many years.

Councillor Rozi Parisotto, Mayor, advised Rula that she would speak to her in private after the meeting.

17. CONFIDENTIAL BUSINESS

(Moved: Councillor C McClounan/Councillor P O'Brien)

Recommendation

That Council close the meeting to members of the public in accordance with section 89(2) of the Local Government Act 1989.

Carried

The meeting was opened to the public at 9:30pm.

APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

The Mayor informed the meeting the Council had appointed Mr Kelvin Spiller as Acting Chief Executive Officer.

18. CLOSURE OF MEETING

The meeting closed at 9:33pm.