

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 NOVEMBER 2014** AT 6.00PM

Brendan McGrath
CHIEF EXECUTIVE OFFICER

As at 27/11/14 8:45 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

Administrators:

Ms Ailsa Fox, Chair; Ms Irene Grant; Mr Rod Roscholler.

Officers Present:

Mr Brendan McGrath, Chief Executive Officer; Ms Ruth Kneebone, Director Corporate Services; Mr Alan Clark, Director Infrastructure Services; Mr Barry Green, Director Development Services; Ms Jaime Carroll, Director Community Wellbeing.

4. ABSENT

Nil.

5. ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE

Nil.

ORDER OF BUSINESS

6. CITIZENSHIP CEREMONY

Nil.

7. CONFIRMATION OF MINUTES

RECOMMENDATION:

(Moved: Administrator A Fox/ Administrator I Grant)

That Council read and confirm the Minutes of the Ordinary Meeting of 21 October 2014 as a true and accurate record of the proceedings of the meeting.

Carried.

8. CONFLICT OF INTEREST DISCLOSURE

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act 1989* Councillors are required to disclose a 'conflict of interest' in a decision if they would receive, or could reasonably be perceived as receiving, a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

Disclosure must occur immediately before the matter is considered or discussed.

9. RECEPTION OF PETITIONS

9.1.1.1 PETITION TO SUPPORT THE OCCURRENCE OF THE 'OVENS RIVER MUSIC ROUNDUP' EVENT

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 November 2014
Author (name and title): Heather O'Brien, Acting Executive Assistant
Corporate Services

File Name:

File No.:

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council to address the issues raised in a petition received by Council containing 84 signatures. The petitioners request that Council note their strong support regarding the occurrence of the 'Ovens River Music Roundup' event at 1610 Great Alpine Road, Tarrawingee on first and second November 2014.

A copy of the letter has been provided to Administrators under separate cover.

RECOMMENDATION:

(Moved: Administrator R Roscholler / Administrator I Grant)

- 1. That the petition regarding the occurrence of the Ovens River Music Roundup be received.***
- 2. That a report into investigations into the request within the petition be considered at the 9 December 2014 Ordinary Council meeting.***

Carried.

Conclusion

In accordance with Local Law No.3 of 2014 – (Administrators) Meeting Procedures, a petition presented to the Council must lay on the table until the next ordinary meeting of the Council and no motion, other than to receive the petition, may be accepted by the Chairperson, unless Council agrees to deal with it earlier.

Attachments

Nil.

10. HEARING OF DEPUTATIONS

Nil.

11. PRESENTATION OF REPORTS

11.1 ADMINISTRATORS' REPORTS

Nil.

11.2 OFFICER'S REPORTS

11.2.1 EXECUTIVE SERVICES

Nil.

11.2.2 CORPORATE SERVICES

11.2.2.1 COUNCIL MEETING DATES AND VENUES 2015

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 November 2014
Author (name and title): Rebecca Golia, Executive Assistant – Corporate Services
File Name: Council Meetings
File No.: 10.020.002

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council for discussion of Council meeting dates and venues for 2015.

RECOMMENDATION:

(Moved: Administrator I Grant / Administrator R Roscholler)

That Council endorse the following schedule of Ordinary Council Meeting dates and venues for 2015:

<i>Tuesday 20 January if required</i>	<i>6.00 pm Wangaratta</i>
<i>Tuesday 17 February</i>	<i>6.00 pm Wangaratta</i>
<i>Tuesday 17 March</i>	<i>6.00 pm Wangaratta</i>
<i>Tuesday 21 April</i>	<i>6.00 pm Edi Upper Hall</i>
<i>Tuesday 19 May</i>	<i>6.00 pm Oxley Hall</i>
<i>Tuesday 16 June</i>	<i>6.00 pm Wangaratta</i>
<i>Tuesday 21 July</i>	<i>6.00 pm Wangaratta</i>
<i>Tuesday 18 August</i>	<i>6.00 pm Wangaratta</i>
<i>Tuesday 15 September</i>	<i>6.00 pm Springhurst Hall</i>
<i>Tuesday 20 October</i>	<i>6.00 pm Bowmans Murrumgee Hall</i>
<i>Tuesday 17 November</i>	<i>6.00 pm Wangaratta</i>
<i>Tuesday 15 December</i>	<i>6.00 pm Wangaratta</i>

Carried.

Background

Section 89 (4) of the *Local Government Act 1989* (The Act) requires that reasonable notice be given to the public of meetings of the Council. This has been achieved by publishing the date and location of the meeting in the Wangaratta Chronicle on 2 consecutive Fridays prior to the meeting and the annual calendar of meetings on Council's website.

Council has maintained a custom of conducting four Council Meetings annually in rural townships throughout the Rural City of Wangaratta since 1997.

A summary of the Council meeting locations follows:

LOCATION	No. Meetings
Boorhaman Hall	4
Bowmans/Murmungee Hall	3
Carboor Hall	3
Cheshunt Hall	**3
Edi Upper Hall	*2
Eldorado Hall	3
Everton Hall	**3
Glenrowan Multi-Purpose Centre	4
Greta/ Hansonville	3
Markwood Hall	*2
Milawa Hall	3
Moyhu Hall	3
Myrree Hall	3
Oxley Hall	*2
Peechelba Community Facility	4
South Wangaratta	3
Springhurst Hall	**3
Tarrowingee Hall	3
Whitfield Swinburne Pavilion	3
Whorouly Multi-purpose Centre	3

* indicates least meetings held

** indicates suggested sites to achieve a geographical spread

Council must establish its schedule of Ordinary Council Meeting dates and venues for 2015 to allow for notice to be given and advance planning.

A draft schedule of the 2015 Ordinary Council Meeting dates and venues has been developed to achieve a geographical spread of rural meetings throughout the year.

The draft schedule for rural townships is as follows:

Tuesday 20 January if Req'd	6.00 pm Wangaratta
Tuesday 17 February	6.00 pm Wangaratta
Tuesday 17 March	6.00 pm Wangaratta
Tuesday 21 April	6.00 pm Edi Upper Hall
Tuesday 19 May	6.00 pm Oxley Hall
Tuesday 16 June	6.00 pm Wangaratta
Tuesday 21 July	6.00 pm Wangaratta
Tuesday 18 August	6.00 pm Wangaratta
Tuesday 15 September	6.00 pm Springhurst Hall
Tuesday 20 October	6.00 pm Bowmans Murrunggee Hall
Tuesday 17 November	6.00 pm Wangaratta
Tuesday 15 December	6.00 pm Wangaratta

Implications

Policy Considerations

There are no specific Council policies or strategies that relate to this report.

Financial Implications

There are no financial implications identified for the subject of this report.

Legal/Statutory

The Act requires that reasonable notice be given to the public of meetings of the Council.

Social

Conducting Ordinary Council Meetings in rural townships promotes closer interaction with all areas of the municipality.

Environmental/Sustainability Impacts

There are no environmental/sustainability impacts identified for the subject of this report.

Economic Impacts

There are no economic impacts identified for the subject of this report.

Council Plan-Key Strategic Activity/Action

The proposed 2015 Ordinary Meeting dates and venues schedule meets our objective of community leadership through the provision of accessible, open and consultative government which is further specified under ongoing responsibilities to continue rotation of Council meetings.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

N/A

b) Other strategic links

N/A

Risk Management

There are no risks identified for the subject of this report.

Consultation/Communication

Public notification will be provided of Council's 2015 Ordinary Meeting dates and venues.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Attachments

Nil.

Gallery questions

Nil.

11.2.2.2 DRAINAGE EASEMENT - 72 CHRISTENSEN LANE, WANGARATTA

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 November 2014
Author (name and title): Wayne Stafford, Governance Officer
File Name: 72 Christensen Lane, Wangaratta
File No.: 9778/ 511480.1000

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council in order to formalise the creation of an easement over private land adjoining a subdivision at Baltimore Park being Part Crown Allotments 1 & 2 Section 9, Parish of Wangaratta South situated at 72 Christensen Lane, Wangaratta.

RECOMMENDATION:

(Moved: Administrator R Roscholler / Administrator I Grant)

That Council Sign and Seal the Creation of Easement document for the easement to be created over Part Crown Allotments 1 & 2 Section 9, Parish of Wangaratta South situated at 72 Christensen Lane, Wangaratta.

Carried.

Background

In May 2012 Council received an application on behalf of Baltimore Park Pty Ltd for a 232 lot subdivision at 72 Christensen Lane, Wangaratta. In accordance with Council's established protocols the subdivision was advertised, forwarded to referral authorities and adjoining owners notified of the application.

An objection to the granting of a permit was received from the owners of adjoining land in relation to perceived drainage issues created as a result of the development and in the event of major localised rainfalls etc.

A conciliation meeting was held on 17 October 2012 during which surveyors acting for the developers outlined measures to overcome these and other issues raised by other objectors to the proposal.

These measures included the provision of a drainage reserve along the land to be developed and provisions for the objector to tap into drainage resources should they also decide to undertake future development. As part of these undertakings a drainage easement over the private land to the nearby creek was included in the development plan.

In accordance with these proposals the objection in relation to adjoining land drainage issues was withdrawn.

Planning Permit 12/084 for a staged multi-lot subdivision of land situated at 72 Christensen Land, Wangaratta was issued under delegation on 7 December 2012.

Seventy eight conditions were applied to the permit and condition 18 and 23 in particular, relate to the creation of a drainage easement across private land to an approved outfall at the Three mile Creek.

Implications

In accordance with Section 45 (1) of the *Transfer of Land Act 1958* a Creation of Easement is required for lodgment and registration at the Land Titles Office.

Issues

Formal documents have been provided to Council which include consent of the servient title holders of the private land over which the easement is to be created.

Policy Considerations

There is no significant policy considerations identified for the subject of this report.

Financial Implications

There are no financial implications identified for the subject of this report.

Legal/Statutory

Section 45 (1) of the *Transfer of Land Act 1958* records that “a registered proprietor may transfer his estate or interest in land by an instrument in an appropriate approved form”.

Social

There are no social impacts identified for the subject of this report.

Environmental/Sustainability Impacts

The drainage requirements forming part of the conditions applicable to the staged development of this residential subdivision should alleviate any additional environmental/ sustainability impact on the resident land.

Economic Impacts

There are no economic impacts identified for the subject of this report.

Consultation

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Conclusion

Formal documentation in the form of Creation of Easement has been provided by the developer's legal representatives and it is now in order for Council to formally execute this document.

Attachments

Nil.

Gallery questions

Nil.

11.2.3 COMMUNITY WELLBEING

Nil.

11.2.4 INFRASTRUCTURE SERVICES

11.2.4.1 MERRIWA PARK MASTERPLAN REVIEW

Date of and Type of Meeting: 18 November 2014
Author (name and title): Adrian Gasperoni, Manager Technical Services
File Name: Merriwa Park and Kaluna Park Masterplan Review
File No: 71.020.017

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council to accompany the attached 'Merriwa Park and Kaluna Park Masterplan'.

The plan was developed by the Merriwa Park and Kaluna Park Masterplan Working Party following a review of the original plan adopted by Council in 2005.

The Masterplan has now been completed in draft form and is ready for placement on public exhibition prior to adoption.

RECOMMENDATION:

(Moved: Administrator I Grant / Administrator A Fox)

That Council:

- 1. endorse the Draft Merriwa Park and Kaluna Park Masterplan for public exhibition and***
- 2. place the Draft Merriwa Park and Kaluna Park Masterplan on public exhibition for a period of four weeks for public comment prior to final adoption.***

Carried.

Background

Following concerns from community groups regarding the future direction of Merriwa Park particularly in relation to Council consideration of increasing car parking provisions within the park, Council at its 20 March 2012 Meeting adopted the following recommendation.

That:

- 1. Notwithstanding the resolution at the February Council Meeting deferring a decision on a compromise plan for Merriwa Park to a Special Council***

- Meeting, this matter be brought forward and dealt with at this meeting in the public interest and the need to act expeditiously.*
2. *Council not proceed with the compromise plan for Merriwa Park and withdraw the existing application to the Minister under Section 17e of the Crown Land (Reserves) Act for the use of reserve land for car parking.*
 3. *In the light of submissions received, that a full review of the Merriwa and Kaluna Parks Master Plan be undertaken, including how to address:*
 - *Access for disabled;*
 - *Car parking requirements;*
 - *Access to Soundshell and Kaluna Park;*
 - *Future use of redundant tennis courts; and*
 - *Opportunities for improvement.*
 4. *An Expression of Interest process be developed to form a working party based on an appropriate skills/interest group matrix to undertake a review of the Merriwa and Kaluna Parks Master Plan.*
 5. *All submitters be advised accordingly.*

Following this resolution, Council ran an Expression of Interest process. At Council's 26 June 2012 Meeting the following recommendation was then adopted.

That Council approve the Expression of Interest process to appoint nine members of the community to the Merriwa Park and Kaluna Park Masterplan Review Working Party.

At Council's 21 August 2012 Meeting, all nine nominations received were appointed to the Working Party. It was also highlighted that the Working Party would be responsible to undertake a review of the Masterplan with the reviewed plan exhibited to the community for their opportunity to comment before it is put before Council for adoption.

The Review upheld the original objective of the 2005 Plan, which was to provide a 'blueprint' for future development and management and provide a basis for planning, funding and further design to better realise the Parks' qualities and benefits.

Merriwa and Kaluna Parks are an invaluable asset to residents and visitors to Wangaratta due to their proximity to the town's centre and the recreational, cultural and sporting functions they provide in a unique setting.

Implications

Policy Considerations

During the development of the Masterplan consideration was given to the following Strategies and Plans.

- Open Space Strategy
- Public Playground Facilities Consolidation Strategy
- Rural City of Wangaratta Recreation Strategy
- Wangaratta Recreation Parklands Masterplan and
- Access and Inclusion Plan.

Financial Implications

There are no financial implications identified for the subject of this report, however it is envisaged that individual projects will be nominated for consideration in future Capital Works programs.

Legal/Statutory

There are no legal/statutory implications identified for the subject of this report.

Social

There are no social impacts identified for the subject of this report.

Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for this subject of this report.

Economic Impacts

There are no economic impacts identified for the subject of this report.

Council Plan-Key Strategic Activity/Action

Council Plan Action 3.5.1.5: Complete the review of the Merriwa and Kaluna Parks Masterplan and consider pathway connections with other areas of the Central Business District and Riverside.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

A Healthy Environment

- The community experiences, interacts and enjoys time in the natural environment and
- Our community is active in the protection, enhancement and management of environmental assets

b) Other strategic links

N/A

Risk Management

There are no risks associated with the subject of this report.

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	That the users and stakeholders will be updated	Advertisement in local media
Consult	Users and stakeholders will be able to comment	Advertisement in local media
Involve	Comment from interested parties	Public Consultation process
Collaborate	Comments made will be adopted in Plan where appropriate	Working Party consideration
Empower		

Conclusion

The Masterplan was originally developed back in 2005 and very few actions from the original Masterplan have been implemented. Due to changes in utilisation of the Parks a review was necessary to capture the current needs and expectations of the community.

Attachments

1: Draft Merriwa Park and Kaluna Park Master Plan.

Gallery questions

Elaine Jacobson asked when the plan will be available for public comment given the Christmas period is soon approaching.

Alan Clark, Director Infrastructure Services Clark responded that if the plan is placed on exhibition over Christmas, the period will be extended for comment.

Elaine Jacobson asked if the plan will be more readable as it is difficult to read even in an A3 format.

Alan Clark, Director Infrastructure Services Clark responded that the plan will be available in a larger size for viewing.

Elaine asked if the plan is just going to remain a piece of paper?

Alan Clark, Director Infrastructure Services responded that it still fits with the original plan however it sits as part of this document.

Elaine Jacobson asked if council will have a timeline for review and if council will come up with more of a plan after the public has reviewed it?

Alan Clark, Director Infrastructure Services responded that a list of projects as a result of this masterplan will be developed and put forward each year for budget submissions however these projects will be competing against all other projects for funding each year. This year we are doing the cycle hub and access into Merriwa Park.

Elaine Jacobson asked when cycle club would be available to the public as we the Wangaratta Landcare Group has concerns about the safety of the trees around the bike hub.

Alan Clark, Director Infrastructure Services responded that Council is currently working with the architect to finalise the design and nearing completion. We are hoping to be in a position to go out for tender early in the new year. Council is aware of the trees and will take measures to ensure the safety of those trees.

11.2.4.2 C1415-008 SALEYARDS REDEVELOPMENT

Meeting Type: Ordinary Council Meeting
Date of Meeting: 19 November 2014
Author (name and title): Paul Somerville, Manager Waste & Contracts
File Name: Saleyards Redevelopment
File No:

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report provides details of the tender evaluation for the Saleyards Redevelopment.

RECOMMENDATION:

- 1. That Contract C1415-008 for the Saleyards Redevelopment Option 2 be awarded to Browns Wangaratta Pty Ltd for the contract sum of \$3,542,843 ex GST (\$3,897,127 including GST.)*
- 2. Authorise the Chief Executive Officer to sign and seal all the relevant contract documents for Contract C1415-008 for the Saleyards Redevelopment.*

Administrator I Grant moved the following alternate motion.

- 1. That Contract C1415-008 for the Saleyards Redevelopment Option 3 be awarded to Browns Wangaratta Pty Ltd for the contract sum of \$3,415,880 ex GST (3,757,468 including GST)***
- 2. Authorise the Chief Executive Officer to sign and seal all the relevant contract documents for Contract C1415-008 for the Saleyards Redevelopment.***

Administrator R Roscholler seconded the motion and it was put and carried.

Background

Contract C1415-008 is for the redevelopment of the Wangaratta Saleyards. The saleyards are an important cattle auction centre in northeast Victoria, and their operations contribute directly and indirectly to the local, regional and state economies and employment opportunities.

Council's strategy is to cover the majority of the existing cattle yards which will give the best value to improving the Saleyards. It is recognised that the selling

pens need to be covered and protected from the weather to ensure a viable business is continued into the future.

The upgrade of the saleyards will ensure they are competitive and viable in the industry, and keep the saleyards compliant with industry best practice. The upgrade of the roof and other services will improve operating efficiencies, returns on investment, selling conditions, environmental outcomes and increase animal welfare standards.

Through this upgrade, Council will be in a better position to attract and retain key agents, buyers and sellers for this important infrastructure.

The Wangaratta Saleyards is built on a 36.63 hectare site. Approximately 15,000 square metres of land is dedicated to holding pens, loading races, walkways and other facilities

The Saleyards facility consists of administration buildings and sheep and cattle yards including:

- Selling pens
- Receival pens
- Holding yards
- Receiving races
- Load out races
- Auctioneers walkway
- Public walkway and
- Livestock Weigh bridge

Effluent and run-off is currently collected by a mix of overland and underground drainage and flows to holding dams to the east of the property.

Currently, mains water is reticulated to the troughs in each pen. Mains water is also used for the truck wash down facility and also for washing down the pens.

The facility currently has some electric lighting and a public address system for use at sales.

The current operations usually take place between 4:00pm Wednesday and 4:00pm Thursday in each week, and between 4:00pm Thursday and 7:00pm Friday in the third week of each month. There are additional Friday sales in February and August.

Through this tender, Council is proposing to roof the Wangaratta saleyards and also provide/upgrade the associated physical infrastructure to create a high quality environmentally-friendly solution to the operation and management of the saleyards that will support the long-term viability of the facility into the future.

Works to be performed will include the construction of a roof structure to cover the existing Saleyards for the purpose of providing an “all weather” facility which is able to operate successfully during inclement weather. The proposed upgrade will provide for increased animal welfare standards including shade and soft floor facilities. The project will also include additional works associated with the roof

as outlined, such as electrical works including lighting, all ability access and stormwater drainage.

The project will also involve the installation of a system to reuse stormwater collected from the roof which will supply the truck wash, drinking troughs and hosing down of the yards to supplement town water. A number of large capacity water storage tanks including footings, collection and distribution pipe network are required to be placed at various locations around the complex as outlined within this tender specification.

Lighting of the Saleyards is to be undertaken to provide undercover lighting to the new roof structure.

A summary of the keys outcomes to be achieved with the redevelopment include:

Rainwater Retention

- 800kL will be captured and reused for cattle yard, truck wash, dust suppression and hose down
- 400kL will be used for Fire Protection

Yard Modification

- 11 new ½ cattle pens will be created
- 13 new full cattle pens will be created
- 10 new larger bull pens will be created
- Reconfiguration of the redundant unloading race will allow improved movement throughout the yards for cattle arriving

Auctioneers Walkway

- The old auctioneers walkway will be replaced with a new 1,200 mm walkway to Australian Standards

Public Access

- The Rural City of Wangaratta will improve public access throughout the yards by separating the stock movement for the public
- The new access will improve access from the canteen to the yards and will suit people with disabilities

Roof

- Cattle yards will be completely roofed
- Light levels will be 100 lux and dimmable
- Yards will have soft fall from entry to exit
- Yards will have a dust suppression system to minimise dust
- Columns will be protected to prevent bruising to stock

It is recognised that sections of the saleyards will continue operating on normal selling days during construction. Works will be undertaken without any major disruption to the ongoing operation of the saleyards and scheduled to occur at a time of least impact. A minimum of 70% of the pens must be available for use throughout the construction program has been stipulated in the tender documents.

The Saleyards are accredited to National Saleyards Quality Accreditation standards.

The pricing for the tender was requested to be submitted along the lines of three options as follows:

Option 1: Roofing of the entire yards including the cattle and sheep yards (approximately 17,602 m² of roof area)

Option 2: Roofing of the cattle yards and including partial roofing of some of the sheep yards, enough to incorporate an extra row of cattle pens in the future (approximately 13,214 m² of roof area)

Option 3: Roofing of the cattle yards (approximately 12,352m² of roof area)

Advertised Tender Dates

This tender was conducted through an initial Expression of Interest and then a subsequent invited tender process.

Expression of Interest

The Expressions of Interest for this contract were invited through advertisements as follows:

The Chronicle	18 July 2014
Tenderlink.	18 July 2014

Expressions of Interest closed at 2.00pm on Thursday 7 August 2014

There was no pre-tender meeting for the Expression of Interest.

Expressions of interests were received from the following companies:

1. Browns Wangaratta
2. G & D Godson Builders Pty Ltd
3. BJ & PA Maginnity PTY LTD (Mai-Build Building Contractors)
4. Brice Engineers Pty Limited
5. Hansen & Yuncken Pty Ltd
6. Q1 Constructions Pty Ltd
7. Zauner Constructions Pty Ltd
8. Miepol Pty Ltd
9. MKM Constructions Pty Ltd

With the exception of Miepol Pty Ltd, all the companies were invited to the final tender phase.

Tender

Tenders for this contract were invited through the shortlisting process from the Expression of Interest. Tenders were invited through Tenderlink on 5 September 2014

Tenders closed at 2.00pm on Thursday 16 October 2014

The closing date was extended to 2.00pm on Wednesday 22 October 2014.

During the tender, advice from G & D Godson Builders Pty Ltd was received that they wished to withdraw from the tender process due to a high level of work commitments.

Fire Protection Systems

The fire protection design for the Saleyards redevelopment had been delayed due to issues with achieving the final statutory approval. An addendum was issued to the invited tenderers through Tenderlink on 29 October 2014.

Pricing for this addendum closed at 2pm on Thursday 6 November 2014.

There was no pre-tender meeting for this tender. However, numerous site meetings and inspections were conducted with all of the invited tenderers.

Tender Evaluation Panel

The tender evaluation panel comprised Council's Manager – Contracts & Waste, Buildings Management Officer and Engineer – Projects.

Tenders Received

The following tenders were received:

Tender
Q1 Constructions
Magi-Build
Zauner
Browns Wangaratta
Hansen & Yuncken
MKM
Brice Engineers (non- conforming Tender)
Brice Engineers (conforming Tender)

The evaluation panel deemed that the second tender submitted by Brice Engineering was non-conforming to the tender specification. The design was based on the design that they are currently constructing at the Northern Livestock Exchange facility at Barnawartha however, the evaluation panel accepted and

evaluated this non-conforming tender. The evaluation panel also received legal advice to ensure that it was in a position to accept this non-conforming tender.

The tender evaluation panel interviewed all tenderers except for Brice Engineers and Godson Builders as part of the evaluation process to clarify their respective tender submissions.

Various savings were offered by the tenderers. These include:

- a) Changing the roof specification from double sided Colorbond to single sided Colorbond
- b) Changing the roof specification from Double Sided Colorbond to Zinalume
- c) Changing the number of water tanks from 8 to 4*
- d) Changing the number of water tanks from 8 to 2*

*the total volume of the water tanks will remain unchanged.

For the purposes of the evaluation, the scoring was done on accepting the savings for the changed roof specification to Zinalume and changing the number of water tanks from 8 to 2.

The tenderers had made varying allowances for the following items:

- a. Roof access
- b. Boring the electrical conduits in lieu of open trenching
- c. Dust suppression
- d. Upgrade of the electrical mains
- e. Authority fees
- f. Soil Removal
- g. Barge capping
- h. Surveyor set out
- i. Change of the skylight specification

To evaluate the tender on a fair and even basis, tender submissions were adjusted to take into account the above items.

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	Description	Weighting
Price	<ul style="list-style-type: none"> • Total price of work 	40%
Construction Methodology/Timelines	<ul style="list-style-type: none"> • Contractors capacity to complete the works whilst the Livestock Selling Complex remains operational • Contractors proposed construction program and methodology 	25%

Criteria	Description	Weighting
	<ul style="list-style-type: none"> Availability of resources and subcontractors to complete the works within the stipulated timeframes 	
Capacity/Capability and Experience	<ul style="list-style-type: none"> Contractors capability to perform contract works based on experience and past performance in previous similar works 	20%
Local Retention	<ul style="list-style-type: none"> Local employment growth or retention 	10%
OH&S/Environmental	<ul style="list-style-type: none"> Contractor's level of certification and commitment to OH&S & environmental management 	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.

Summary of the Weighted Attribution Method Score is as follows:

Tenderer	Score Option 1	Score Option 2	Score Option 3
Q1 Constructions	67	67	67
Magi-Build	54	53	53
Zauner	75	74	74
Browns Wangaratta	78	77	77
Hansen & Yuncken	76	75	75
MKM	71	72	75
Brice Engineers (non-conforming Tender)	47	49	49
Brice Engineers (conforming Tender)	44	45	45

The highest value reflects the most favourable tender assessment. From the evaluation, Browns Wangaratta scored the highest across all three options.

Policy Considerations

There are no specific Council policies or strategies that relate to this report.

Financial Implications

Budget Summary (All prices ex GST)

	Option 1	Option 2	Option 3
Budget	\$3,600,000	\$3,600,000	\$3,600,000
Preferred Tenderer*	\$4,071,888	\$3,542,843	\$3,415,880
5% Contingency	\$203,594	\$177,142	\$170,794
Total Project Sum	\$4,275,782	\$3,719,985	\$3,586,674

* The price for the preferred tenderer includes the identified savings through the change in the roofing and water tank specifications. For the preferred tenderer this amounted to a sum of \$178,178. This savings have been included in the preferred tenderers final cost.

The Saleyards has received grant funding as follows:

1. Living Victoria Fund \$397,800 for the water reuse and reticulation
2. Both major political parties have pledged \$500,000 to the project if they were to win the forthcoming state election.

Social

The weekly cattle sales provide an important platform for social interaction within part of the community that often work in isolation. This project will extend the life of the saleyards and thus continue to contribute to the community's social wellbeing.

Environmental/Sustainability Impacts

This project will result in significant environmental/sustainability improvements to the operation of the saleyards. Effluent will be captured in the soft flooring and periodically removed for re-use. Improved water use along with rain water capture will greatly reduce the overall usage.

Economic Impacts

The saleyards is an important economic driver within the community. This project will assist in maintaining cattle throughput and thus economic benefit to the community.

Council Plan-Key Strategic Activity/Action

To plan for and provide infrastructure appropriate to the community's needs.

The Council Plan Action target date for the commencement of the Saleyards upgrade is 2015.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

N/A

b) Other strategic links

N/A

Risk Management

N/A

Consultation/Communication

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Conclusion

This tender process was very competitive with very little separating most of the tenderers in price and in the final score. The evaluation panel expressed its confidence that these firms had the capability to successfully complete this project.

Browns were evaluated with the highest score for all three options and submitted the lowest adjusted price for options 2 and 3.

Option 1

Option 1 covers the roofing of all of the saleyards including the sheep yards at the Northern end of the yards. The evaluation panel does not recommend Option 1 as it believes that there is inadequate utilisation for most of these yards to justify the upgrade expense.

Option 2

Option 2 covers the existing cattleyards and includes the partial roofing of some of the sheep yards, enough to incorporate an extra row of cattle pens in the

future. It should be noted, that some of these sheep pens in this extra laneway have already been converted to cattle pens. Option 2 is heavily supported by the user groups at the saleyards. The cost to extend from Option 3 to Option 2 is \$126,963 (a 3.6% increase in contract price). Option 2 would mean that the Wangaratta Saleyards fully caters for its current needs and its premium sale days where the existing number of cattle pens has been inadequate. It also allows for future growth of the Saleyards at a modest cost.

Option 3

Option 3 covers the existing cattleyards. This option would cater for the majority of the current needs of the Saleyards. However, it does not fully allow for possible future growth or with all of the cattle on premium sale days.

The evaluation panel recommends the tender submitted by Browns Wangaratta for Option 2 based on the following reasons:

- A. modest increase of \$126,963 in cost over option 3,
- B. it is heavily supported by the user groups at the saleyards,
- C. it allows for future growth of the Saleyards, and
- D. allows all cattle to be penned under roof at our premium sale days.

Attachments

1. Confidential evaluation report.

Gallery questions

Paul O'Brien referred to comments being expressed to the media by Chair Administrator Ailsa Fox with regard to the fact that rate payers risk to this project will be minimised.

The comments in the paper were that there needed to be a guarantee for producers and guarantee from livestock operators that the throughput would be maintained. There are no guarantees on any other projects that this council has approved in the past.

I am concerned that going forward the council is consistent in how it analysis key and major projects.

Ailsa responded that the saleyards falls into a slightly different category. Some could judge this to be a council involved in a commercial activity. When you hear the motion later you will hear the other administrators talk about their concerns as well. Those comments are correctly attributed to me and I stand by those comments.

Dr Julian Fidge asked whether council had considered the free trade agreement which Australia has just signed with China and if Council had a chance to discuss what the implications would be as the Prime Minister promised that we will be signing a free trade agreement with India and what this means for the saleyards.

Brendan McGrath, Chief Executive Officer responded that whilst the Council as a group hasn't had a chance to formally discuss the free trade agreement we had a strategic planning meeting this morning which Administrator Rod Roscholler was part of with the Economic and Tourism Advisory Committee. The committee discussed the free trade agreement and hopefully the very positive impact it might have for agricultural activities for the north east including Wangaratta and particularly beef which will benefit the saleyards development.

11.2.5 DEVELOPMENT SERVICES

11.2.5.1 AMENDMENT C43 TO THE WANGARATTA PLANNING SCHEME – RURAL HERITAGE REVIEW – EXHIBITION AND CONSIDERATION OF SUBMISSIONS AND PANEL

Meeting Type:	Ordinary Council Meeting
Date of Meeting:	18 November 2014
Author (name and title):	Meghan Kelly, Principal Strategic Planner
File Name:	Wangaratta Planning Scheme Amendment C43 – Rural Heritage Review
File No.	73.030.060

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report outlines the submissions received in response to the exhibition of Wangaratta Planning Scheme Amendment C43 and seeks Council's agreement to refer outstanding submissions to an independent Panel.

Amendment C43 implements the recommendations of the "*Rural City of Wangaratta Heritage Study Review (Part 1) and Urban Precincts 2011 – Volume 2: Rural Places*" by applying permanent heritage controls to twenty-four (24) properties across the municipality.

Council received a total of twelve (12) submissions in response to the exhibition of the draft amendment. Seven (7) submissions remain unresolved. A summary of submissions is contained in Attachment 1 (***refer attachment***).

To reach the best outcome for the implementation of the heritage controls contained within this amendment, it is recommended to appoint a Panel who will consider the merits of the amendment, issues raised, strategic context and implications before producing a report which makes recommendations about the next steps. (This report will be presented to Council at a later date).

RECOMMENDATION:**(Moved: Administrator I Grant/Administrator R Roscholler)*****That Council:***

- 1. Consider the submissions to Planning Scheme Amendment C43**
- 2. Request the Minister for Planning to formally appoint a Panel to consider unresolved submissions in accordance with Section 23 of the Planning and Environment Act, 1987**
- 3. Advise all parties who made a submission to Wangaratta Planning Scheme Amendment C43, accordingly and**
- 4. Report the matter to Council following the receipt of the Panel Hearing Report.**

Carried**Background**

In 2004 Council undertook The Rural City of Wangaratta Heritage Study, a major study looking at heritage across the municipality. A review of this study, the *Rural City of Wangaratta Heritage Study Review (Part 1) and Urban Precincts 2011, Volume 2 Rural Places* commenced in 2011 and was finalised in 2013. The review recommended local heritage controls for 25 of the most vulnerable properties that best represented all the identified themes from the initial Rural City of Wangaratta Heritage Study, 2004 and properties that best met the threshold for significance. Amendment C43 deals with heritage properties in the rural parts of the municipality and was initiated to implement the review's recommendations. The implementation was supported with the assistance of a grant from the Rural Flying Squad.

The amendment proposes changes to the Local Planning Policy Framework, the Schedule to the Heritage Overlay and the introduction of an Incorporated Document (outlining additional permit exemptions). The Incorporated Document and changes to the Local Planning Policy Framework are also included as part of Amendment C44 (which is running slightly ahead of this amendment), and deals with urban heritage. If C44 is approved in the interim, this amendment (C43) will only be required to make changes to the Schedule to the Heritage Overlay.

Council formally agreed to seek authorisation to exhibit a planning scheme amendment in September, 2013. The amendment was authorised for exhibition by the Minister for Planning in June, 2014 and was exhibited from 17 July – 18 August, 2014. All land owners, relevant authorities and prescribed Ministers were directly notified. A public notice was placed in the Chronicle Newspaper. Interested parties were given one month to respond to the introduction of controls.

Discussion

Enquiries about Amendment C43:

During the exhibition period, officers fielded many enquiries about the amendment. Many affected land owners were enquiring about specific implications that resulted from the introduction of heritage controls. Officers were able to explain the implications of the introduction of new controls, specifics about what development triggered the need for a planning permit, and other site specific enquiries. In most instances these explanations mitigated against formal submissions to the amendment, however a small number of property owners pursued formal submissions.

Submissions to C43:

Section 22 of *The Planning and Environment Act 1987* (the Act) requires Council to consider submissions to the amendment. Twelve (12) submissions were received in response to the exhibition. Of the submissions received:

- Four (4) support/have no objection
- Six (6) objected to the amendment or some aspect of the amendment and
- Two (2) objected subject to further information.

A summary of submissions, Officers response, and recommended changes to the amendment are contained in Attachment 1 (***refer attachment***). Generally, the objecting submitters are individual property owners who are objecting based on additional controls being applied to their property or who have had involvement and raised concerns regarding the heritage review study. Supporting submissions also received from the relevant authorities.

Response to Submissions/Post Exhibition Consultation:

At the conclusion of the exhibition period, objecting submitters were offered the opportunity to meet and further discuss concerns with Council Officers and Council's Heritage Advisor. Five (5) individual submitters attended a meeting, resulting in one (1) formal withdrawal of a submission.

Next Steps in the Amendment Process:

In response to submissions and the post exhibition submitter consultation meetings, changes have been made to the exhibited amendment as considered appropriate by Officers and Councils Heritage Advisor. These changes are contained in Attachment 2 (***refer attachment***).

Further changes to background documents, the heritage citations for individual properties have been agreed to by Council Officers and Councils Heritage Advisor. These changes address concerns raised in objecting submissions by updating information about individual heritage places and identifying properties within the proposed heritage overlay that don't contribute to the heritage significance, (i.e. citations are to be updated to remove reference to demolished out buildings and identify modern dwellings built on a large site that are not

contributory to the heritage significance as they were built in modern times). Despite undertaking these actions there are still five (5) outstanding submissions.

To progress this amendment Council is required to formally request a Panel hearing. The chart below illustrates the key steps in this amendment process undertaken (blue) and the steps required to finalise the amendment (orange)



A Panel will be appointed by the Minister for Planning. The Panel will hear submissions and make a series of independent recommended changes and the best way to resolve issues and proceed with the amendment. The Panel process is summarised in Attachment 3 (*refer attachment*).

Implications

Policy Considerations

The Wangaratta Planning Scheme contains policy at the state and local level for protecting heritage including:

State Planning Policy Framework

Clause 15.03 Heritage Conservation – This policy encourages protection, conservation, maintenance and enhancement of places of aesthetic, archaeological, architectural, cultural, scientific or otherwise special cultural value. It further encourages the appropriate setting for the context of a heritage place and adaptive reuse of heritage buildings whose use has become redundant.

Local Planning Policy Framework

Clause 21.02 Municipal Profile – This policy identifies the municipality's proud heritage and Clause 21.03 Vision - identifying the measure to preserve and enhance heritage and the environment as a core component of the Wangaratta Community Vision. Clause 21.04 identifies heritage as a key strategic direction. 21.08 Economic Development and Tourism - notes the role that heritage can play in strengthening the economic opportunities within the municipality.

Clause 21.10 Environmental Management and Heritage specifically re-enforces the direction to protect, maintain and enhance heritage place and objects within the municipality through sound land use and planning decisions.

Clause 22.06 Environmental Management and Heritage applies the recommendations from Heritage Studies that is consistent with the Burra Charter and directs the protection of heritage places and precincts identified in the Heritage Overlay. It also contains policy to be applied when there is discretion

around decision making relating to conservation of a place or precinct and demolition of a heritage place.

Financial Implications

The strategic basis for this amendment and the draft exhibition documents were prepared by a private planning consultant which was funded by a grant from the Rural Flying Squad.

Council is required to fund the amendment including any Panel hearing. A single day hearing is expected to cost between \$10,000 and \$15,000 (which includes holding the Panel hearing and covering the cost of a heritage expert witness report in support of the amendment).

Following the Panel hearing, should Council support the amendment, a statutory fee of \$798.00 will be required should Council submit the adopted amendment to the Minister for Planning to consider and approve in accordance with s35 of *the Act*.

This expense will be covered as part of the Building and Planning 2014/15 budget.

Legal/Statutory

This amendment is being carried out in accordance with the requirements of the Act.

Social

Protecting Council's heritage assets provides social benefit by recognising a local identity and historical connection to the community foundations.

Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for the subject of this report although it is noted that a number of the properties nominated for inclusion in the heritage overlay propose tree controls, contributing to the preservation the municipality's natural environment.

Economic Impacts

If the Heritage Overlay is the only planning permit trigger and the proposed value of development is less than \$20,000.00 Council will waive fees associated with a permit application.

The Incorporated Document titled '*Rural City of Wangaratta Heritage Overlay Permit Exemptions Incorporated Plan 2013*' excludes specific minor works from permit requirements and is designed to reduce the impact of the amendment.

These measures may provide economic support for property owners affected by the amendment, although funding from State Government for maintenance of heritage properties is scarce.

Council Plan-Key Strategic Activity/Action

Implementation of this amendment is consistent with the Council Plan Review 2014-2017, particularly Objective 3.4 ‘*To ensure land use planning provides balanced outcomes for community, growth, existing land use, environment and heritage*’ and Key Strategic Activity 3.4.2 ‘*Maintain and improve local planning strategies to meet community needs.*’

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

This amendment is consistent with the 2030 Community Vision particularly ‘*preserving and celebrating cultural icons.*’

b) Other strategic links

Hume Regional Growth Plan, 2014 – The amendment is consistent with the direction to maintain and enhance cultural heritage assets contained within the Plan.

Risk Management

A risk assessment matrix has been completed for this project. The risks associated with this amendment are considered to be minor.

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	<i>We will keep you informed</i>	<ul style="list-style-type: none"> • Notice in a local newspaper • Notice in the Victorian Government Gazette • Written notification to prescribed Ministers, agencies and affected land owners
Consult	N/A	
Involve	<i>We will work with you to ensure the your opinions and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision</i>	<ul style="list-style-type: none"> • Opportunity to make a submission that may change the outcome of the exhibited amendment. • Outstanding objecting submissions altered the outcome – a Panel hearing will be requested
Collaborate	<i>We will look to you for direct advice and innovation in formulating</i>	<ul style="list-style-type: none"> • Opportunity for the submitters to work directly

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
	<i>solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible</i>	with Council Officers to update information contained in the citations for individual properties <ul style="list-style-type: none"> • Changes submitted to HERMES heritage database
Empower	N/A	

Consultation processes are established under Section 19 of the Act. Officers believe that appropriate consultation has occurred and the matter is now ready for Council's consideration.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Options for Consideration

Option 1 (Recommended):

- Consider the submissions to Amendment 43, and formally request the appointment of a Panel to independently consider the matter and make recommendations about outstanding objecting submission. This is the best way to progress the amendment.

Option 2 (Not Recommended)

- Consider the submissions, and make changes to Amendment C43, to address submissions. A number of submitters have asked for their properties to be excluded from the proposed heritage controls. This would result in a conflict to the recommendation of Council's *'Rural City of Wangaratta, Heritage Study Review (Part 1) and Urban Precincts 2011, Volume 2: Rural Places, Final Report 2013* (which has been previously adopted by Council). As it poses a conflict to the strategic justification for this amendment it may not be approved by the Minister for Planning (which is the final step in the amendment process).

Option 3 (Not Recommended)

- Consider the submissions to Amendment C43, and abandon the amendment. This is not recommended as it would result in failure to implement the recommendations of the *Rural City of Wangaratta, Heritage Study Review (Part 1) and Urban Precincts 2011, Volume 2: Rural Places, Final Report 2013* (which Council has previously adopted).

Conclusion

The report and supporting information demonstrates Council's consideration of the submissions to this amendment. Officers have taken steps to address concerns, by providing detailed information about the impacts of the amendment, meeting with submitters and gaining a better understanding of issues. There are still submissions objecting to some aspects of the amendment. Based on this assessment, and guided by the legislative framework outlined in Section 32 of

the Act, the next step is to formally request a Panel to independently review the amendment and submissions. This is considered to be the best course of action to progress the amendment.

Attachments

1. C43 Submissions Summary
2. Revised Exhibition Documents (with track changes)
3. Panel Process Summary

Gallery questions

Elaine Jacobson asked why, the schedule to the heritage overlay, are there are blank spaces against Holy Trinity Anglican Church particularly with regards to tree control.

Barry Green, Director Development Services responded that any properties included in the Victorian Heritage Register are outside of Councils Local Planning Scheme they are controlled by Heritage Victoria.

11.2.5.2 AMENDMENT C45, GRETA ROAD SUPERMARKET AND RESIDENTIAL SUBDIVISION.

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 November 2014
Author (name and title): Justin Britt – Principal Statutory Planner
File Name: Amendment C45
File No.: 12/172 and 73.030.058

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council to seek a decision on how to proceed with Amendment C45 (in accordance with Section 23 of the *Planning and Environment Act 1987* (the Act)) having received submissions to the amendment during its formal exhibition period.

Section 23 of the Act, requires that Council must consider all submission received and, where a submission requests a change to the amendment, Council must:-

- a) *Change the amendment in the manner requested or*
- b) *Refer the submission to a Panel appointed by the Minister or*
- c) *Abandon the amendment or part of the amendment.*

RECOMMENDATION:

(Moved: Administrator R Roscholler / Administrator I Grant)

That Council:

- 1. consider the submissions to Planning Scheme Amendment C45 and draft Planning Permit 12/172***
- 2. adopt Planning Scheme Amendment C45, without changes, in accordance with Section 29 of the Planning and Environment Act 1987***
- 3. recommend to the Minister for Planning that draft Planning Permit 12/172 be granted under Division 5 of the Act with Changes***
- 4. submit Planning Scheme Amendment C45 and draft Planning Permit 12/172 to the Minister for Planning requesting approval of the amendment and draft planning permit under Section 35 and 96(I) of the Act respectively***
- 5. lodge with the Land Titles Office a signed copy of the Section 173 agreement for the provision of Development contributions on the land and***
- 6. notify the proponent and submitters in writing of Council's decision.***

Carried.

Property Details

Land/Address	Lot 20 on Plan of Subdivision 114703, Greta Road, Wangaratta
Zones and Overlays	Part Farming and Commercial 2 Zone
Why is a permit required	Sec 97A of the Act is the relevant permit trigger to allow for the Use and Development of the land for a supermarket and associated Staged Residential Land Subdivision.

Background

In September 2012, Council received a formal request from Urbis Pty Ltd on behalf of Fabcot Pty Ltd (the proponent) to prepare a combined planning scheme amendment and planning permit for the Use and Development of a Supermarket, Use of land for Licensed Premises (Packaged Liquor), Removal of Native Vegetation, Installation of Internally Illuminated Business Identification Signage, Staged Subdivision of the Land (108 Residential Lots) and the Creation of Access to a Road Zone Category One (RDZ1).

Following preparation of the detailed draft planning permit, including consultation with the Department of Transport, Planning and Local Infrastructure (DTPLI) and relevant agencies, Council determined to proceed with the proposal and seek Ministerial authorisation.

The Minister for Planning (the Minister) authorised Council to prepare and exhibit Amendment C45 to the Wangaratta Planning Scheme on 29 January 2014.

Council and the permit applicant negotiated entering into a Section 173 agreement, to require the permit applicant/landowner to pay for development contributions over the land, due to the land being located in the South Wangaratta Growth Area. A copy of this Section 173 Agreement was advertised along with the Amendment documentation.

Council placed Amendment C45 on public exhibition for one month and gave notice of the amendment in accordance with the requirements of the Act. The Public exhibition period concluded on 15 September 2014.

A total of four (4) submissions were received. These submissions were from relevant agencies, either providing no objection to the proposal or requiring revised conditions of permit (further details provided within the report). No submissions were received from private citizens.

Summary of Key Issues

Prior to exhibition of the Amendment, an extensive process of consultation between the proponent and relevant authorities and Council was undertaken. This process resulted in a number of revisions to the proposed development, to address the following issues:

- Vehicular access to Greta Road
- Retention and Protection of Native Vegetation
- Traffic Management / Car Parking
- Architectural and Urban Design Treatments around the proposed Supermarket and
- Development Contributions for Infrastructure.

The above issues have been resolved and are reflected in the plans exhibited as part of the amendment or through conditions of the draft planning permit.

Proposal in Detail

The amendment proposes to rezone the subject site from part Commercial 2 Zone and part Farming Zone to a new combination of zoning which consists of part Commercial 1 Zone, part Commercial 2 Zone and General Residential Zone.

A planning permit application for the subject site is being considered concurrently with this planning scheme amendment.

The amendment is required to enable the Use and Development of the land for a Supermarket, an associated retail premise (packaged liquor outlet) and a 108 lot Staged Residential Subdivision.

Assessment under the Planning and Environment Act

The application is being assessed under Section 96A of the Act, which provides for:

- (1) *A person who requests a planning authority to prepare an [amendment](#) to a planning scheme may also apply to the planning authority for—*
 - (a) *a [permit](#) for any purpose for which the planning scheme as amended by the proposed [amendment](#) would require a [permit](#) to be obtained;*

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

Section	Clause	Amendments Response
State Planning Policy Framework	Clause 11.10-3 Hume Regional Growth	The area subject to the proposed Amendment is identified within the Hume Regional Growth Plan (Part C) as a 'Key residential growth front'. The proposal is considered to be consistent with the direction of the plan.

Section	Clause	Amendments Response
	<p>Clause 15.01-3 Neighbourhood and subdivision design</p> <p>Objective <i>To ensure the design of subdivisions achieves attractive, liveable, walkable, cycle able, diverse and sustainable neighbourhoods.</i></p>	<p>The proposed subdivision is designed to be integrated with the existing pattern of subdivision along Salisbury Street and provides for future connectivity to the south to enable the planned expansion of the South Wangaratta Growth Area. The integration of essential retail facilities in close proximity to residential lots promotes opportunities for walking and cycling between these key land uses.</p>
	<p>19.03-2 - Water supply, sewerage and drainage</p> <p>Objective <i>To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.</i></p>	<p>It is considered that the infrastructure required to meet the needs of this specific development can be accommodated. The amendment has been discussed with key service authorities and appropriate conditions have been developed which require the developer to provide infrastructure which will integrate with the existing infrastructure network.</p>
<p>Local Planning Policy Framework -MSS</p>	<p>Clause 21.06 - Urban Development and Central Activities Area</p>	<p>The proposed subdivision is within an area designated for future investigations within the Wangaratta and Environs Framework Plan. This area has now been renamed to the South Wangaratta Growth area in subsequent plans including Councils Housing and Population Study.</p>
<p>Local Planning Policy Framework - Local Planning Policy</p>	<p>Clause 22.09 Public Open Space Objectives</p> <ul style="list-style-type: none"> • <i>To implement the Wangaratta Recreation Strategy and Open Space Strategy, 2012.</i> • <i>To obtain appropriate and sustainable contributions towards open space and recreation infrastructure at the time of subdivision.</i> • <i>To identify when and where land contributions, financial contributions or a mixture of land and financial contributions are to be sought.</i> • <i>To provide funding towards improving the existing open space network to ensure it is safe, fit for purpose and accommodates various levels of activity in the community.</i> 	<p>The proposed subdivision incorporates an area of public open space located between the eastern boundary of the supermarket site and the proposed residential lots.</p> <p>The amendment was received prior to the above policy being integrated within the planning scheme, however, the proposal meets the intent of the policy through a combination of both providing the public open space and also providing through a payment a combined total of 5% of the land area and value.</p>
<p>Proposed Zones:</p>	<p>Clause 34.01 - Commercial 1</p>	<p>Use and Development of a Supermarket, and associated Retail premise (Packaged liquor Sales).</p>
	<p>Clause 34.02-3 Commercial 2 (existing)</p>	<p>The Commercial land located on the north side of the new access road is to remain as Commercial 2 and no development is presently proposed on this land.</p>

Section	Clause	Amendments Response
	<p>Clause 32.08 General Residential Zone – Schedule 1</p>	<p>The proposed residential subdivision is considered to meet the objectives of the zone. The subdivision of the land is within an identified area for future growth and is designed to connect directly into general residential land which is currently being subdivided to the east of the land (Salisbury Street).</p>
Overlays	N/A	N/A
Particular Provisions	<p>Clause 52.05 – Advertising Signs Purpose</p> <p><i>To regulate the display of signs and associated structures.</i></p> <p><i>To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.</i></p> <p><i>To ensure signs do not contribute to excessive visual clutter or visual disorder.</i></p> <p><i>To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.</i></p>	<p>The installation of the Internally Illuminated Business Identification Signage associated with the supermarket building requires consideration against these provisions.</p> <p>Overall the majority of the signage is contained on the supermarket building and is consistent with the corporate branding and integrated within the architectural form of the building.</p> <p>The pylon sign to be setback from the site's Greta Road frontage contains business identification details and also directional details to car parking facilities. Conditions of permit control the emission of light from this sign including that no sign can contain any flashing lights, are contained within the draft planning permit.</p> <p>On balance it is considered that the signage is consistent with the objectives of this clause and should be supported subject to conditions of permit.</p>

Section	Clause	Amendments Response
	<p>Clause 52.17 Removal of Native Vegetation</p> <p>Purpose <i>To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:</i></p> <ul style="list-style-type: none"> • <i>Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.</i> • <i>Minimise impacts on Victoria's biodiversity from the removal of native vegetation.</i> • <i>Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.</i> 	<p>The proposal includes the removal of one tree from the site. During the early stages of the application, expression was sought for the removal of a number of trees along the sites Greta Road frontage. Concern was raised with the applicant over the removal of these trees to create an access to the site. The strand of native trees along the sites Greta Road frontage are considered significant and therefore Council advised the applicant that support would not be given for their removal.</p> <p>The entry road access was therefore re-aligned to retain these trees and an appropriate landscape buffer was included between the trees and the proposed supermarket building to ensure their continued survival and contribution to the area.</p> <p>The applicant has proposed the removal of one red gum tree on the land which is situated in the proposed residential blocks. This request for removal of this tree has been considered and on balance it is the removal of one tree against the retention of significant strand of trees along the sites Greta Road frontage is considered appropriate. Suitable conditions are included in the draft permit which require an appropriate offset to be provided by the permit applicant.</p>
	<p>Clause 52.27 Use of land for Licensed Premises (Packaged Liquor)</p> <p>Purpose</p> <ul style="list-style-type: none"> • <i>To ensure that licensed premises are situated in appropriate locations.</i> • <i>To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered</i> 	<p>The amendment will result in the provision of an ancillary liquor store within the proposed supermarket. Pedestrian access to the liquor store is via the supermarket which will operate within the trading hours of the supermarket.</p> <p>Given the direct linkage of the liquor store and the supermarket, it is considered that there would be less impact on the amenity of the surrounding area in comparison to a stand-alone liquor store.</p> <p>Furthermore, as the purpose of the liquor store is to be a 'convenience' to the shoppers who visit the supermarket, it is expected shoppers will exit the site upon purchasing alcohol, thereby reducing the chances of anti-social behaviour occurring on-site.</p>

Section	Clause	Amendments Response
	<p>52.29 Land Adjacent to a Road Zone Category 1 (Creation of Access) Purpose</p> <ul style="list-style-type: none"> To ensure appropriate access to identified roads. To ensure appropriate subdivision of land adjacent to identified roads. 	<p>The amendment seeks to create two new entrances onto Greta Road which is a Road Zone Category One. The amendment was referred to Vic Roads as the relevant road authority and following a review of the Traffic Impact Assessment Report (TIAR) submitted by the applicant, Vic Roads have provided no objection subject to conditions contained within the draft permit.</p> <p>It is considered that the proposal meets the purpose and objectives of this provision within the scheme.</p>
	56.00 - Residential Subdivision	An assessment of the proposal has been undertaken and the proposal is considered to demonstrate general compliance with the requirements of this Clause. Further discussion is contained within this report on this provision.
Other Relevant Provisions	N/A	N/A
Other Plans / Studies	Rural City of Wangaratta – Population and Housing Strategy, Dec 2013	The study identifies the existing growth pattern in south Wangaratta and designates this area as the secondary growth corridor for Urban Development. Figure 13 identifies the land proposed for the supermarket and also the residential subdivision. It is considered that the proposal is consistent with Councils Population and Housing Strategy.

Internal Departmental Advice

Department	Response
Technical Services Department	No objection subject to the inclusion of conditions on the draft planning permit.
Environment Department	As previously discussed Councils Environment Department provided comments on the retention of the stand of Native Trees along the sites Greta Road frontage. On the basis of the re-design, no objection was provided subject to conditions on the draft planning permit.

Exhibition

The amendment was placed on exhibition for a calendar month from 14 August 2014. Following the completion of exhibition four submissions were received from referral agencies.

A summary of these submissions and any action required is contained in the table below:

Submitter	Comments	Response / Action Required
North East Catchment Management Authority (NECMA)	No Objection provided.	No change required, recommended approval of the Amendment and draft planning permit.
VicRoads	No objections subject to the conditions within the Draft Planning Permit	No change required, recommended approval of the Amendment and draft planning permit.
Country Fire Authority	No objection	No change required, recommended approval of the Amendment and draft planning permit.
North East Water	No objection subject to new conditions being placed on the draft permit.	<p>North East Water (NEW) requires the revision of previously supplied conditions. These revisions are considered to be minor and include alteration to Corporate details and references to customer charges within the conditions.</p> <p>It has been identified that condition No.126 on the draft planning permit which was attributed to North East Water was not a condition required by this authority.</p> <p>The condition should be identified for deletion as the other North East Water conditions adequately cover the intent of this condition.</p> <p>The new conditions supplied do not include a previously supplied condition No.126 of the draft Permit.</p> <p>Overall it is considered that the changes suggested by NEW are minor and easily accommodated through an amendment of the draft permit. These changes should be adopted.</p>

Particular Provisions

Subdivision of Land (Clause 56)

Clause 56 applies to residential subdivision and requires that an application for subdivision:

- Must be accompanied by a site and context description and a design response.
- Must meet all of the objectives included in the clauses specified in the zone.
- Should meet all of the standards included in the clauses specified in the zone.

The applicant has provided a satisfactory site and context description and a design response. The applicant has also provided an assessment of the proposal against each of the relevant objectives under Clause 56, which is also considered to be a satisfactory response.

Council's assessment of the proposal against the individual requirements of Clause 56 has been undertaken and no issues of concern or non-compliance have been noted.

Conditions have been included within the draft planning to ensure that relevant provision of infrastructure and road design meets the objectives and standards of Clause 56 and also Councils Infrastructure Design Manual.

Changes to the Draft Planning Permit

Following exhibition of the Amendment and Draft Planning Permit, based on the submissions received and further examination of the draft permit, it is considered that the permit conditions should undertake the following minor amendments.

Condition	Action
No.126	As previously stated, this condition was attributed to North East Water, however it was not required by this authority. Delete
115 – 125	Minor amendments based on the submission from North East Water. Amend the conditions
77, 78	Amendment of these conditions to provide clarity around the staging of these actions.

Implications

Policy Considerations

Rural City of Wangaratta – Population and Housing Strategy, Dec 2013
Councils Population and Housing Strategy identifies the existing growth pattern in South Wangaratta and the subject area is designated as the secondary growth corridor for Urban Development.

It is considered that the amendment is consistent with Councils Population and Housing Strategy.

Financial Implications

As outlined previously within this report, Council's signing of the draft Section 173 Agreement, requires the permit applicant/owner to pay in part for Development Contributions to assist in the provision of Infrastructure and other Community Services in the South Wangaratta Growth Area.

Legal/Statutory

There are no legal / statutory implications identified for the subject of this report.

Cultural Heritage

There are no Cultural Heritage implications raised by the proposed amendment. The subject site is located outside an area of cultural heritage sensitivity.

Social

The proposal provides for future growth of residential land in the south of Wangaratta. This growth is integrated with the existing pattern and provides a diverse range of lot sizes located in close proximity to a key retail resource. The location of the supermarket will provide a social benefit through the establishment of a key retail service to the southern section of the Wangaratta, reducing the need or extent of travel required to visit this retail service.

Environmental/Sustainability Impacts

The proposal promotes walking and cycling with the expansion and integration of the shared pathway within this subdivision. The proposal also provides a key commercial/retail resource within the southern section of Wangaratta, therefore potentially reducing car usage within the municipality.

Economic Impacts

The proposal provides for economic growth within the southern section of Wangaratta through the introduction of a key retail resource in the area.

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Yes	Notice in local paper, Government Gazette and to adjoining and surrounding landowners.
Consult	Yes	N/A
Involve	Yes	Opportunity to make submissions
Collaborate	N/A	N/A
Empower	N/A	N/A

Consultation processes are established under Section 19 of the *Planning and Environment Act 1987*. Officers believe that appropriate consultation has occurred and the matter is now ready for Council's consideration.

Conclusion

Amendment C45 seeks to provide both a commercial and residential outcome in the South Wangaratta Growth Corridor. The land and the proposal are identified within Councils Population and Housing Strategy and within Clause 21.06 of the Scheme as future growth areas.

The proposal is considered to be consistent with the Hume Regional Growth Plan, State Planning Policy, Local Planning Policy and the key directions of the Population and Housing Strategy.

The proposal has been designed to integrate with the existing pattern of residential subdivision, whilst also providing opportunities for future connection to the south of the site.

The proposal has been widely exhibited and no submissions opposing the amendment were received.

Overall it is recommended that Amendment C45 should be adopted by Council subject to minor changes to the draft permit conditions as outlined within this report.

Attachments

1. Location Plan
2. Exhibited Development and Subdivision Plans
3. Copy of the Draft Permit

Gallery questions

Frank Day referred to page 45 under the social and environmental impacts in particular reference to the statement about reducing the need to travel and asked whether the same considerations were given to the aquatic strategy?

Brendan McGrath, Chief Executive Officer responded that it's a difficult question to answer as the application is a commercial application for a supermarket and residential development. Council is dealing with that as the responsible planning authority in a technical role.

The question of consolidation of aquatic facilities is made in the context of Council considering the overall provision of aquatic facilities. So one is about our own planning for the provision of facilities into the future and the provision of best quality facilities to the community, the other one is one we have to consider in part of our role as planning authority in a response to a commercial application for facilities.

11.2.5.3 WANGARATTA PLANNING SCHEME AMENDMENT C48 – KING RIVER AND TRIBUTARIES FLOOD MAPPING – CONSIDERATION OF SUBMISSIONS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 18 November 2014
Author (name and title): Victoria Mallinder, Strategic Planning Coordinator
File Name: Wangaratta Planning Scheme Amendment C48 – King River and Tributaries Flood Mapping
File No.: 73.030.061

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council to make a decision regarding submissions received to Amendment C48 in accordance with section 23 of the *Planning and Environment Act 1987* (the Act). Amendment C48 reviews existing flood mapping for the King River, as well as introducing new flood mapping across four tributaries of the King River, being Hurdle Creek, Boggy Creek, Black Range Creek and Meadow Creek. Council received a total of 39 submissions, of which 29 remain unresolved and are recommended to be referred to an independent Panel appointed by the Minister for Planning.

RECOMMENDATION:

(Moved: Administrator A Fox/ Administrator I Grant)

That Council:

- 1. Consider submissions to Amendment C48 in accordance with Section 23 of the Planning and Environment Act 1987 and a submission received on 18 November 2014**
- 2. Make changes to Amendment C48 in accordance with supported submissions documented in Attachment 1 – Table of Submissions**
- 3. Refer unresolved submissions documented in Attachment 1 – Table of Submissions to a Panel appointed under Part 8 of the Planning and Environment Act 1987**
- 4. Request the Minister for Planning to appoint a Panel in accordance with Recommendation 3 and**
- 5. Notify North East Catchment Management Authority and submitters in writing of Council's decision.**

Carried.

Background

The *King River Rural Floodplain Study* (September 2004) and the *King River Tributaries Flood Mapping Study* (December 2004) were undertaken as a joint project between Council and the North East Catchment Management Authority (NECMA) in 2004.

The studies undertook a review of available flood data information and historical flood events. This review included preparation of new flood mapping for four tributaries of the King River, being Boggy Creek, Hurdle Creek, Black Range Creek and Meadow Creek, as well as a review of the existing mapping for the King River floodplain.

The flood mapping from the studies has been converted to land use planning overlays, being the Flood Overlay (FO) and the Land Subject to Inundation Overlay (LSIO). This mapping forms the basis of Amendment C48.

Amendment C52, gazetted in August 2014, is a related amendment that introduced the *Ovens River Floodplain Management Plan* (2003) into the Wangaratta Planning Scheme (the Scheme) as a reference document, and a series of exemptions from planning permit for a range of minor works in the FO and LSIO.

Discussion

In July 2013, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C48. The amendment was placed on public exhibition from 13 February - 28 March 2014. During this time, three community information sessions were held at Whitfield, Moyhu and Wangaratta to provide technical and planning advice in relation to the new flood mapping. Approximately 22 people attended these sessions.

A total of 39 submissions were received and are summarised in **Attachment 1 – Table of Submissions (refer attachment)**. Five submissions are from agencies and these raise no objection to the amendment. No further action is required for these submissions. The remaining 34 submissions request a range of changes to the amendment. A joint submission was received from ten Carboor residents with properties on Hurdle Creek. A further 24 submissions were received from individual property owners.

The majority of submissions request a change to the boundary of the overlays as they apply to individual properties. Some submissions object outright to the application of the overlays, or question the validity of the background flood studies.

Pursuant to section 23(1) of the Act, when considering a submission which requests a change to an amendment, Council must:

- (a) change the amendment in the manner requested or
- (b) refer the submission to a Panel appointed under Part 8 of the Act or
- (c) abandon the amendment or part of the amendment.

Over a six month period, officers from NECMA reviewed the submissions, using aerial photographs of the 1993 floods and recently acquired topographical mapping (referred to as LiDAR data). NECMA has proposed changes to the boundary of the FO and LSIO in some cases. These revisions were mapped by Council officers and resent to submitters. A total of five submitters are now satisfied with changes. It is appropriate to recommend that the amendment be adopted with changes in relation to these five submissions.

This leaves a total of 29 unresolved submissions.

Due to the technical nature of interpreting flood data, Council officers have relied heavily upon the expertise of officers from NECMA. A number of submissions remain unresolved because NECMA does not support the proposed changes, or does not have the resources to undertake site inspections or review the flood studies. At the same time, NECMA does not wish to see the amendment, or any part of it abandoned, given the importance of flooding as an issue in the King Valley.

It is necessary, therefore, for Council to resolve to request an independent Panel, under section 23(1)(b) of the Act to assess the 29 unresolved submissions.

Implications

Policy Considerations

The amendment implements the findings of the *King River Rural Floodplain Study* (September 2004) and the *King River Tributaries Flood Mapping Study* (December 2004) in relation to flood mapping.

The amendment does not conflict with any existing Council policy or the *Hume Regional Growth Plan 2014*.

The objective of Clause 13.02-1 of the State Planning Policy Framework (Floodplain management) is to assist the protection of:

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

The primary strategy under this clause is to '*identify land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps. Land affected by flooding is land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority*'. Amendment C48 seeks to implement this strategy for the King River floodplain.

Clause 21.10 of the Municipal Strategic Statement identifies flooding as a major land use issue in the municipality, and strategies to mitigate its effect include to '*recognise and protect the natural functions of floodplains and the need to restrict*

subdivision, buildings and works in floodplains in accordance with flood hazard. Amendment C48 seeks to implement this strategy.

Financial Implications

The preparation of Amendment C48 up to exhibition stage has largely been funded through the Department of Transport, Planning and Local Infrastructure's Rural Flying Squad. Costs associated with Panel hearings are significant and are borne by Council. A fee is set by Planning Panels Victoria that includes the Hearing, site visits and report writing. Costs for a two member Panel may be in the vicinity of \$10,000.00 a day. A Panel hearing may run for several days. Costs to Council also include officer time in preparation and attendance at the Panel hearing. There is an operational budget allowance (new for the 2014-15 financial year) for planning scheme amendments that will assist with these costs.

Legal/Statutory

All procedures associated with this amendment comply with the legislative requirements of the Act.

Social

By reviewing existing King River flood mapping, and introducing new mapping along four tributaries, the amendment will help to align development outcomes and controls in flood prone areas with identified flood risk. Whilst some private properties will experience a decrease in the extent of flood mapping, the majority of affected properties will incur an increase in controls. The important issue, however, is that the mapping is as accurate as possible so as to minimise the risk to life and property from the impacts of flooding.

Environmental/Sustainability Impacts

The amendment will have a positive effect on the environment of the King River floodplain by:

- Reinforcing the natural environmental flooding conditions and hazards in planning mapping and controls
- Protecting the environs of the King River and its tributaries for flood storage and passage from inappropriate development and
- Ensuring that new development within the floodplain maintains or improves river, wetland and floodplain health.

Economic Impacts

Concern has been expressed by some property owners that flood mapping will affect the value of their property, and may result in an increase in insurance premiums. It is considered that the importance of accurate flood mapping and appropriate controls to monitor buildings and works in the floodplain outweighs the possible economic impacts to landowners.

It should be noted that Amendment C52 (gazetted on 07 August 2014) introduced a range of planning permit exemptions for minor buildings and works on all land affected by the FO and LSIO. For all other buildings and works within an FO or LSIO, a planning permit will be required with referral to NECMA. This will impose an additional financial burden on affected landowners.

Council Plan-Key Strategic Activity/Action

Amendment C48 is consistent with Objective 3.4 of the Council Plan, being to *'ensure land use planning provides balanced outcomes for community, growth, existing land use, environment and heritage'*.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

Amendment C48 is consistent with the Strategy that *'the rural waterways are enhanced to contribute to a healthy rural environment'*.

b) Other strategic links

The draft *Victorian Flood Management Strategy* being prepared by the Victorian Government highlights the importance of land use planning as a tool to manage and mitigate the impacts of flooding, and reduce risks to life and property. The amendment is consistent with the intent of this draft Strategy.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Inaccurate flood mapping along the King River and its tributaries	Low	High	Moderate	Work with submitters, NECMA and Panel to ensure the mapping is as accurate as possible
Amendment not approved by Minister for Planning	Low	High	Moderate	Work with DTPLI to ensure the need for the amendment is understood and supported and all relevant documentation is provided

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Yes	Mandatory notice requirements under the <i>Planning & Environment Act 1987</i> including: notices in local paper/Government Gazette; and letters to affected landowners, prescribed Ministers and government agencies.
Consult	N/A	N/A
Involve	Yes	Opportunity to make a submission to amendment; Negotiated outcomes with submitters, otherwise referral to an independent Panel.
Collaborate	N/A	N/A
Empower	N/A	Minister for Planning had final power to approve this amendment.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Options for Consideration

Option 1 (Recommended option): Resolve to make changes to the amendment in accordance with submissions detailed in Attachment 1 (***refer attachment***) (pursuant to section 23(1)(a) of the Act) and request the appointment of an independent Panel to consider unresolved submissions as detailed in Attachment 1 (pursuant to section 23(1)(b) of the Act).

This option follows the statutory process required to consider all submissions to Amendment C48, without compromising good land use planning outcomes for land identified at risk from flooding in the King River floodplain.

Option 2: Abandon the amendment under section 23(1)(c) of the Act, given the number of unresolved submissions to the amendment.

This option would fail to deliver the most current available flood mapping for the King River as a land use planning tool in the Wangaratta Planning Scheme. Given the risks to life and property from inappropriate development in areas subject to flooding, this option is not desirable and is not supported by North East Catchment Management Authority.

Option 3: Investigate splitting the amendment so as to progress approval of areas not subject to objecting submissions, and seek a Panel to consider unresolved submissions.

Due to the nature of flood mapping (i.e. a continuous boundary across contiguous parcels of land), it would be difficult to approve some sections of the amendment and not others. Whilst it is unfortunate that supported submissions cannot be approved until a Panel hears unresolved submissions, it is important that the amendment is assessed as a whole.

Conclusion

Amendment C48 seeks to update existing flood mapping for the King River floodplain and introduce new mapping over four of its tributaries. The flood mapping is based on two studies undertaken jointly with NECMA in 2004. Despite the delay in implementing the mapping, the data remains valid and is supplemented by new LiDAR information available to NECMA. The amendment will increase the accuracy of flood mapping and ensure adequate controls are applied to land with a known flood risk.

This report recommends that Council considers all submissions, resolves to adopt some changes in accordance with supported submissions and requests that the Minister for Planning establish a Planning Panel to hear unresolved submissions.

Attachments

1. Table of Submissions.

Gallery questions

Nil.

11.3 SPECIAL COMMITTEE REPORTS

Nil.

11.4 ADVISORY COMMITTEE REPORTS

11.4.1.1 ADVISORY COMMITTEE MEETING REPORTS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 16 September 2014
Author: Rebecca Golia, Executive Assistant, Corporate Services
File Name: Advisory Committee
File No: 25.070.006

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

The following advisory committee meeting reports are presented to Council for information (*refer attachment*):

- The Sport and Recreation Advisory Committee –6 October 2014.
- Arts, Culture and Heritage Advisory Committee – 6 October 2014
- Wangaratta Unlimited Advisory Board (Committee) Committee - 14 October 2014
- Youth Advisory Committee – 15 October 2014

RECOMMENDATION:

(Moved: Administrator A Fox/ Administrator I Grant)

That Council note the reports.

Carried.

Attachments

1. Advisory Committee Meeting Reports.

Gallery questions

Anne Dunstan asked if she could obtain a copy of the minutes referred to in the attachments, in particular the Sport and Recreation Advisory Committee.

In the attachment it states that an update was provided regarding the aquatic strategy but it doesn't state what the discussion was. Are we able to obtain a copy of what was discussed in those meetings?

Administrator I Grant responded that the committee received the strategy and there was some general discussion around the content of the strategy.

Anne Dunstan asked if she was required to write a submission to obtain a copy of the minutes.

Brendan McGrath, Chief Executive Officer responded that there is no need for you to write to Council. We will decide on the best process and make the minutes available.

Brendan McGrath, Chief Executive Officer McGrath responded that all the committee meeting minutes are available to the public unless confidential items are discussed which a process will then be followed to close the meeting.

Anne Dunstan asked if it were possible to put the minutes on the website or Council agenda.

Brendan McGrath, Chief Executive Officer responded that we will decide on the best process is.

12. RECORDS OF ASSEMBLIES OF ADMINISTRATORS

An “Assembly of Administrators” 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 Administrator is present; or
- a planned or scheduled meeting that includes at least half the Administrators and at least one Council officer.

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

- a) the names of all Administrators and members of the Council staff attending;
- b) the matters considered;
- c) any conflict of interest disclosures made by an Administrator attending; and
- d) whether an Administrator who has disclosed a conflict of interest leaves the assembly.

The written record of an assembly of Administrators 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
6/10/2014	Arts, Culture and Heritage Advisory Committee	Attachment
6/10/2014	The Sport and Recreation Advisory Committee	Attachment
14/10/2014	Wangaratta Unlimited Advisory Board (Committee)	Attachment
15/10/2014	Youth Advisory Committee	Attachment
28/10/2014	Administrators Briefing Forum	Attachment
11/11/2014	Administrators Briefing Forum	Attachment

RECOMMENDATION:

(Moved: Administrator A Fox /Administrator I Grant)

That Council receive the reports of Assemblies of Administrators.

Carried.

Gallery questions

Gary Nevin referred to the Administrators Briefing Forum held on 11 November 2014, in particular the item titled ‘Ensuring unbiased decision making’ and asked why it was discussed and what was discussed?

Brendan McGrath, Chief Executive Officer responded that the State Government has released some guidelines to all councils to assist educate councillors and in our case administrators in proper decision making processes. Those guidelines are publically available on the department's website. It was a presentation on those guidelines and discussion about their application.

13. NOTICE OF MOTION

Nil.

14. URGENT BUSINESS

Nil.

15. PUBLIC QUESTION TIME

Public Question Time

10.020.004

Ailsa Fox, Chair Administrator noted that as Government is in caretaker mode I would not like to take any questions in relation to the upcoming State elections.

Question:

Frank Darke referred to the closure of the Yarrunga Pool and asked Council to explain why it approved amendment C51 to its Planning Scheme in April 2014 that supports the retention of both the Yarrunga and the Olympic pool? This amendment incorporates the Recreation Strategy into the Planning Scheme. Less than three weeks later the Aquatic Strategy was approved by Council which negates the recreation strategy.

Can council simply ignore the Planning Scheme on this matter?

Answer:

Brendan McGrath, Chief Executive Officer responded that Councils Planning Scheme contains reference documents such as Recreation Strategies and other strategies. Those documents are included into the scheme to allow Council to consider the contents in making strategic decisions.

Question:

Frank Darke responded that it specifically says that the Yarrunga and Olympic pool are to be retained. Surely it holds some weight?

Answer:

Brendan McGrath, Chief Executive Officer responded that the recreation strategy is a broad one, and Council needs to consider those reference documents in making decisions.

Question:

Paul O'Brien referred to the aquatic strategy and the direction given by the Minister to Administrators about public consultation. The strategy was adopted and meetings have taken place after it was adopted. If public consultation is important then public consultation needs to be undertaken prior the decision. So I am interested to understand whether you think public consultation occurred before the decision was made.

Answer:

Jaime Carroll, Director Community Wellbeing responded that there has been considerable consultation with the community over eight years. When we presented this information, the conversations were about the plan that was endorsed, we were looking for information to gather from the community about things they would like us to consider when rolling out the aquatic strategy. It was not a consultation process.

Question:

Anne Dunstan referred to the draft 2013-2017 Council Plan stating that the target date for reviewing the aquatic strategy was 2015. Why has the Aquatic Strategy

2014 suddenly been rushed forward for adoption at the September 2014 Council meeting, with no period for public display and comment prior to adoption (as for example the Merriwa Park Strategy that will be going on display at this meeting)? Why has there been no due process afforded to the constituents of Wangaratta with regard to the Aquatic Strategy 2014 before it was adopted by Council?

Answer:

Brendan McGrath, Chief Executive Officer responded that when we sit down and prepare a Council plan for a four year term we will need to make conservative estimates of commencement and completion dates for action items. Successive councils over the last 10 years had grappled with various versions of the master plan and were unable to bring that to successful completion. Maybe our approach has been different but clearly the Aquatic Strategy had been something that successive councils have grappled with over a long period of time. We have taken a view that all the work has been reviewed and a decision about that strategy has been made.

Question:

Julian Fidge referred to 11.2.5.3 and the submissions. There is an occurring theme throughout the submissions that people who are making submissions are making hand drawn maps. It's disappointing that we don't know where our flood waters are going. We need to get some aerial photography completed when we have flooding.

Answer:

Barry Green, Director Development Services responded that North East Catchment Management Authority is the designated flood management authority and they control that data.

Question:

Julian Fidge asked if he should take the issue up with North East Catchment Management Authority.

Question:

Barry Green, Director Development Services responded yes.

Question:

Ian Gambold referred to the Aquatic Strategy and expressed that he didn't think it made sense to close the Yarrunga pool as there are two primary schools close by. Have you consulted the primary schools?

Answer:

Jaime Carroll, Director Community Wellbeing responded, acknowledging that there are two schools close to the Yarrunga Aquatic facility and certainly we are still continuing to have conversations with those schools around how we can support their access to the improved facility. It is a concern to keep access to those facilities and it's a priority for Council that children and young people have access to a range of recreation facilities including aquatic.

Question:

Brendan McGrath, Chief Executive Officer read the written question from Julian Fidge to the Gallery. The question relates to North East Health our local hospital and the question is what level of awareness does Council have about the clientele that are often sick, elderly or have new born children. This presents some risk to access the hospital from a busy street. What work has been done around pedestrian crossings and a 50km speed limit sign?

Answer:

Brendan McGrath, Chief Executive Officer responded that himself and the Chair Administrator Ailsa Fox have had several recent discussions with the Chair and Chief Executive Officer of North East Health. Council has agreed to provide a pedestrian crossing and will share the costs with the hospital given the significance of that community facility. The tender will go out for construction early next year. The hospitals preference would be to have a 40km speed limit and Council will take that up with VIC Roads who are the speed authority through our local Safety Committee and hope to have a resolution soon.

Question:

Gary Nevin asked where the Bruck planning scheme amendment is at.

Answer:

Barry Green, Director Development Services responded that conditional approval was granted dependent upon a number of environmental studies. Those studies have not been finalised and therefore the amendment has not progressed.

Question:

Jenny Hart referred to statements within the aquatic Strategy and the proposed closure of the Yarrunga Pool which states that architects were engaged to undertake technical and detailed assessments and concept planning based for aquatic strategy and asked how much council spent on the concept plan and when was it approved in the budget?.

Answer:

Brendan McGrath, Chief Executive Officer responded that the budget allocation for that project in its entirety from memory was in last year's budget and the balance had been carried forward as the works been completed.

Question:

Jenny Hart advised that she attended the front counter to request a copy of this assessment completed by architects and at this time have still not received this information. I followed up one week later and a day later I was contacted by Jaime Carroll and my understanding is that the document is with the Director, Infrastructure to ensure there was not any issues of commercial in confidence. If this is a technical assessment and concept plan I'm trying to understand why there should be any commercial in confidence and why it hasn't been provided to accompany the aquatic strategy given that much of the evidence to support the aquatic strategy is based on the state of the current pools. I was also going to be informed on Monday as to the status of the document and I still haven't received it.

Answer:

Jaime Carroll, Director Community Wellbeing responded that Council has some responsibility to the YMCA who operates our aquatic facilities and we wanted to double check there was nothing in that which we weren't allowed to publically disclose. Someone from my team tried to contact you today to tell you there was nothing in that report which could not be distributed publically. Someone will be in touch with you tomorrow to see how you would like to receive that. The reason it wasn't put out as part of the aquatic strategy was because it was an internal document used to help inform the aquatics recommendations and on review we believe there was nothing that would jeopardise our commercial incurrence requirements in terms of the YMCA.

Question:

Jenny Hart asked when was the 2012 Aquatic Strategy that did clearly state that the two pools remain open formally rescinded as per Mr Darkes question as it would appear that this is a current and live document as it is referenced in C51.

Answer:

Brendan McGrath responded that the 2012 Aquatic Plan was never formally adopted so there is no need for it to be rescinded.

Question:

Kerry O'Conner referred to the Aquatic Strategy and asked does Council know how much it will cost to repair the Yarrunga Pool?

Answer:

Jaime Carroll, Director Community Wellbeing responded that there is significant repairs required and estimations are within between \$5-6 million to replace the facility. They are beyond repair.

Question:

Kerry O'Conner asked for an estimation to repair the pool not the facility.

Answer:

Jaime Carroll, Director Community Wellbeing responded that the shell of the pool cannot be repaired.

Question:

Kerry O'Conner asked who has advised that the Yarrunga pool cannot be repaired and is that information available?

Answer:

Jaime Carroll, Director Community Wellbeing responded that the document we have used to inform the aquatic plan will be available to the public.

Question:

Kerry O'Conner asked if it documents the cost to replace the pool.

Answer:

Jaime Carroll, Director Community Wellbeing responded that the facility refers to the pool structure and any amenities that go with it including an upgrade to the toilet and change facilities.

Question:

Kerry O’Conner asked if there were drawings included of the proposed replacement.

Answer:

Jaime Carroll, Director Community Wellbeing responded that no drawings are included

Question:

Kerry O’Conner asked how would you know how much it would cost to replace it if you have no drawings.

Answer:

Jaime Carroll, Director Community Wellbeing responded that discussions with the technical advisers have indicated that it would be in the ball park of around \$5-6 million.

Question:

Elaine Jacobson referred to the Aquatic Plan and asked whether Council taken the proposed 108 sites due to the Woolworths development in South Wangaratta into account as there will be an increase in population.

Answer:

Ailsa Fox, Chair Administrator responded that the long-term plan for the city has taken the increase into account and that there is also a significant development and similar number of allotments planned for the north west of the city.

Question:

Paul O’Brien asked whether there could be a public document published that provides the pros and cons about the decision made in regards to the Aquatic Plan, the estimated costs and funding that could be obtained.

Answer:

Brendan McGrath, Chief Executive Officer responded that the information is provided in the Aquatic Strategy document and the technical document will be available to the public.

Question:

Elizabeth Downs referred to the Aquatic Plan and asked why council hasn’t used the \$50,000 allocated minor facility upgrades to the Yarrunga Pool that was recommended in the 2010 – 2011 Aquatic Strategy. The Olympic Pool was allocated \$56,000 in the same strategy which was spent on the pool. Is there a deliberate lack of duty of care by Council to not provide the minimum standard of regular maintenance for this pool?

On page 5 of the Aquatic Strategy it states that the Yarrunga Aquatic Facility is unable to facilitate any swim or learn-to-swim activities due to its unique shape and depth. That is complete nonsense. Children swim in there and swim safely. Adults can swim because at the deep end its 1.9m deep.

On page 45 of the agenda its states that Council wants to reduce the need for travel in regards to the Safeway store. Under the environmental impacts it states it will reduce the need for car usage within the municipality, but if you close the Yarrunga pool everyone including the 108 residential lots will have to travel to the other side of town with parking problems. Could Council please address that?

Answer:

Brendan McGrath, Chief Executive Officer responded that in relation to the maintenance allocations I am not in a position to provide you with figures tonight but on an examination of previous budgets I'm sure it would show there has been maintenance allocations both from an operational and capital prospective across our aquatic facilities each year by council and the YMCA's operators based on the contract requirements.

In relation to the question of geographic distance from that particular community to the bar reserve this will be a point of difference that will be difficult to come to agreement about as there are a number of communities that do not have aquatic facilities at all and our view is given the size of Wangaratta we don't think it's unreasonable to ask the community to travel a few kilometres from one part of Wangaratta to another to use the aquatic facility. There are people that live in our rural parts that have to travel to use aquatic facilities. This becomes a value judgement about how many we need and where should we locate them so that it is as accessible as possible.

With regard to the question about environmental footprints, we could make an argument that our plan is much more environmentally sustainable than trying to maintain three inefficient and in poor condition facilities as opposed to building new facilities which are much more efficiently designed and operated.

Question:

Jason McPhail asked why Council bypassed the normal process. I have a stringent process to undertake as a developer. Why has Council rushed this through?

Answer:

Brendan McGrath, Chief Executive Officer responded that we've taken a decision that there has been extensive consultation on this process by various councils over several years. We have carefully reviewed all of that information and made a recommendation to Council which they have adopted.

Question:

Kerry O’Conner asked could the community have the phone numbers of the Administrators.

Answer:

Ailsa Fox, Chair Administrator responded that the phone numbers of Administrators are available on Councils website and the Administrators welcome phone calls outside of working hours.

Question:

Danni Bell asked whether Council has looked at funding streams to keep the Yarrunga Pool open.

Answer:

Brendan McGrath, Chief Executive Officer responded that the pool of funding is small and competitive. Do we spend this money on an old facility serving a small community compared to a facility that is open for a longer period serving a larger population? We know what the amounts and streams are available.

Question:

What happens if you close the pool and don’t get funding?

Answer:

Brendan McGrath, Chief Executive Officer responded that we won’t close the outdoor facilities if we haven’t secured funding.

Question:

Julian Fidge asked if the YMCA run all of the facilities because if there is no competition it would be in their interest to close the Yarrunga facility.

Answer:

Ailsa Fox, Chair Administrator responded that the YMCA does run the facilities.

16. CONFIDENTIAL BUSINESS

Nil.

17. CLOSURE OF MEETING

The meeting closed at 8.00pm.