

WANGARATTA RURAL CITY COUNCIL



MINUTES OF THE ORDINARY MEETING

OF THE WANGARATTA RURAL CITY COUNCIL, HELD

AT THE ELDORADO HALL, MAIN STREET, ELDORADO

ON **TUESDAY, 19 NOVEMBER 2013** COMMENCING AT 7.00PM

Kelvin Spiller  
**ACTING CHIEF EXECUTIVE OFFICER**

As at 29/11/13 11:35 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:

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

Officers Present:

Mr Kelvin Spiller, Acting Chief Executive Officer; Mr Peter Mangan, Acting Director Sustainability; Mr Peter Godfrey, Acting Director Infrastructure Services; and Ms Patti Wenn, Acting Director Community Wellbeing

## 4. ABSENT

Nil

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

### ORDER OF BUSINESS

## 6. CITIZENSHIP CEREMONY

Nil

## 7. CONFIRMATION OF MINUTES

### Recommendation

***That the Minutes of the Ordinary Meeting of 8 October 2013 and the Minutes of the Special Meeting of 28 October 2013 be taken as read and confirmed as a true and accurate record of the proceedings of the meeting.***

***The motion was declared agreed by the Chair.***

## **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.**

Nil

## **9. RECEPTION OF PETITIONS**

Nil

## **10. HEARING OF DEPUTATIONS**

Nil

## **11. PRESENTATION OF REPORTS**

### **11.1 ADMINISTRATOR'S REPORTS**

Nil

## 11.2 OFFICER'S REPORTS

### 11.2.1.1 APPOINTMENT OF ADMINISTRATORS

Councillor/Administrator Issues

10.010.005

#### Introduction

This report informs Council that a panel of Administrators has been appointed as follows:

The Governor in Council:

- (a) Under section 6(a) of the *Local Government (Rural City of Wangaratta) Act 2013 (the Act)*, appoints Ailsa Jeanette Fox, Irene Grant and Rodney John Roscholler as a panel of Administrators for the Wangaratta Rural City Council from 31 October 2013 until the first meeting of Council following the general election of the Council on 22 October 2016; and
- (b) Under section 6(b) of the Act, appoint Ailsa Jeanette Fox to be the Chairperson of the panel of administrators for the Wangaratta Rural City Council from 31 October 2013 until the first meeting of Council following the general election of the Council on 22 October 2016.

The terms and conditions of each appointment will be fixed by the Minister in accordance with section 7(e) of the Act.

A copy of the Order In Council is included (***refer attachment***).

#### Background

The Local Government (Rural City of Wangaratta) Act 2013 received Royal Assent on 18 September 2013.

The Act dismissed the Councillors of the Rural City of Wangaratta and provided for the appointment of a panel of Administrators.

#### Recommendation

***That Council resolves to note the appointment of a panel of Administrators.***

***The motion was declared agreed by the Chair.***

### 11.2.1.2 ADMINISTRATORS – OATH/AFFIRMATION OF OFFICE

Councillor/Administrator Issues

10.010.005

#### **Introduction**

The Local Government Act 1989, section 63, requires Councillors to take an oath of office. The Local Government (Rural City of Wangaratta) Act 2013 provides that Administrators have the same powers duties and functions as Councillors and are, therefore, required to take an oath of office.

The Administrators, Ailsa Jeanette Fox, Irene Grant and Rodney John Roscholler, made an Oath/Affirmation of Office before the Acting Chief Executive. Mr Kelvin Spiller, on 1 November 2013.

A copy of the signed Oath/Affirmation of Office will be included in the minutes of the meeting (*refer attachment*).

#### **Recommendation**

***That Council resolves to note that the Administrators have taken the required Oath/ Affirmation of Office.***

***The motion was declared agreed by the Chair.***



## 11.2.2 EXECUTIVE SERVICES

### 11.2.2.1 CONSIDERATION OF ANNUAL REPORT FOR YEAR ENDED 30 JUNE 2013

Annual Report

20.060.001

#### Introduction

Council must consider the Annual Report within one month of submission to the Minister for Local Government. The Annual Report must include the financial position as at 30 June 2013, achievements and highlights, challenges faced throughout the year and reference to future directions.

#### Background

Wangaratta Rural City Council has prepared an Annual Report (*refer attachment*) for the financial year 2012 - 2013 and has submitted the Report to the Minister for Local Government on 30 October 2013 having gained an extension of time to submit the report.

As required by the Act the Annual Report contains:

- a report of Council's operations during the financial year;
- audited standard statements for the financial year;
- audited financial statements for the financial year;
- a copy of the performance statement prepared under section 132;
- a copy of the report on the performance statement prepared under section 133; and
- any other matter required by the regulations.

The report of operations is:

- prepared in a form and contains information determined by the Council to be appropriate; and
- contains any other information required by the regulations.

The standard statements in the Annual Report and the financial statements have been:

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

The standard statements in the Annual Report must show any variations from the standard statements in the budget as prepared under section 127 and, if the variation is material, explain the reason for the variation.

**Recommendation**

***That the Annual Report as prepared and forwarded to the Minister for Local Government be noted.***

***The motion was declared agreed by the Chair.***

**Communication**

A copy of the Annual Report is available on Council's website and copies may be requested by contacting Customer Services at the Wangaratta Government Centre.

## 11.2.2.2 APPOINTMENT OF ADMINISTRATORS TO COMMITTEES AND AS REPRESENTATIVES ON VARIOUS ORGANISATIONS

Councillor Portfolios

10.010.007

### Introduction

This report is to advise the allocation of Administrators to various committees and as representatives on various organisations.

### Background

As part of their appointment, Administrators are appointed to various Section 86 Special Committees, Advisory Committees and associated committees and bodies (*refer attachment*).

### Issues

In undertaking the allocation consideration was given to Administrators' focus areas and priorities and fair and reasonable sharing of workload and time demands.

### Conclusion

After consideration it was agreed that the Administrators be appointed to the following Section 86 Special Committees, Advisory Committees and associated committees and bodies:

### Recommendation

*That Council resolves that:*

- 1. the Administrators be appointed to committees and organisations as set out in the attached Schedule; and*
- 2. the following variations be made to committee charters effective during the period of the Administrators' appointments:*

#### *Audit Advisory Committee*

*That the membership of the committee comprises one administrator and three external independent members (previously two councillors and three external independent persons);*

#### *Wangaratta Unlimited Board (Advisory Committee)*

*That the membership includes one administrator (or their nominee) (previously the mayor of the day and the councillor holding the Economic Development and Tourism Portfolio);*

#### *Agriculture and Agribusiness Advisory Committee*

*That the membership includes one administrator (previously Councillor holding the Economic Development Portfolio);*

**Sport and Recreation Advisory Committee**

***That the membership includes one administrator (previously Councillor holding the Sport and Recreation Advisory Committee);***

**Arts, Culture & Heritage Advisory Committee**

***That the Director Community Wellbeing replace the “Councillor holding the Arts, Culture and heritage portfolio” on the Committee and hold the position of Chairperson; and***

**Youth Council Charter**

***That the membership include one administrator (previously one Rural City of Wangaratta Councillor holding the Community Wellbeing portfolio.***

***The motion was declared agreed by the Chair.***

## 11.2.3 SUSTAINABILITY

### 11.2.3.1 FINANCE REPORTS

Council Budget 2013/2014

51.060.021

#### Budget Comparison Reports

##### Introduction

The following report provides an update of Council's reforecast financial position compared to the Adopted Budget for the 2013/14 financial year.

##### Summary- Rates Budget

As at 30 September 2013, Council's end-of-year net rates budget surplus is forecast to decrease by \$1,407,082 from its Adopted Budget surplus of \$200,000 to a deficit of \$1,207,082 (*refer attachment*).

##### Operating

The forecast for the Net Operating Result is now expected to be a surplus of \$3.36M which is a decrease of \$4.4M from the Adopted Budget of \$7.76M.

##### Operating Expenditure

Operating expenditure has been adversely impacted by the following payments:

	\$'000
· Council's governance costs:	
§ Corporate M'ment Team separation payments	820
§ Director relief	624
§ Acting Chief Executive Officer	181
§ Legal expenditure	160
§ Councillor Conduct Panel	24
§ Probity Audit	13
§ Predicted Administrator's allowances	246
§ Less budgeted amount	<u>(500)</u>
	1,568
· Operating projects carried over from 2012/13	605
· Reduced interest on investments	<u>21</u>
	2,194

The above operating projects carried forward amount of \$605K, is offset by an increase in the rates surplus brought forward from 2012/13 therefore having no impact on the rates budget surplus/deficit.

Favourable operating savings include:	\$'000
· Corporate M'ment Team salary savings	270
· Councillor allowance savings	172
· Reduced Work cover premium	<u>21</u>
	463

### Operating Income

Operating income forecast has reduced by \$2.8M due to 50% of 2013/14 Victorian Grants Commission allocations being received in advance during the 2012/13 financial year. This is offset by an increase in surplus brought forward from 2012/13 therefore having no impact on the 2013/14 budget surplus/deficit.

Operating income has been favourably impacted by additional rate income of \$110K. This has occurred because additional property improvements and splits have occurred during the budget deliberation period. Final notification of Victorian Grants Commission allocations indicate that an additional \$16K will be received compared to budget. Operating grants of \$333K not received during 2012/13 are forecast to be received during 2013/14.

### Increased Capital Expenditure

The forecast for Capital Expenditure of \$20.23M is an increase of \$3.11M from the Adopted Budget of \$17.11M. This is due to the following projects being carried forward from 2012/13:

	\$'000
· Ovens River/Faithful St precinct	1,495
· 2012/13 Plant Replacement	483
· Dedicated Right Turn Lane into Coleman Rd	240
· Whitfield Swinburne Pavilion Redevelopment	191
· Compulsory acquisition - Ovens riverside promenade	71
· Corporate Reporting System	65
· Findlay's Bridge Renewal	64
· Municipal boundary and town entry signage	57
· Bowser Landfill ground water bore network extension	55
· Bicycle path renewal	41
· Culvert Renewal program	40
· Bowser Landfill leachate management	38
· Footpath High Priority Program	29
· Light up Mitchell Ave Reserve	26
· Bowser Landfill Cell 8 - Design & Construction	26
· Osboldstone Road Renewal	25
· Edi Community Hall Upgrade	24
· Glenrowan Recreation Reserve Hall upgrade	21
· Other minor capital projects	<u>124</u>
	3,115

The above carried forward amounts are offset by an increase in the rates surplus brought forward from 2012/13 therefore having no impact on the 2013/14 budget surplus/deficit.

#### Increased Capital Grants and Contributions

The forecast for Capital Grants and Contributions of \$5.4M is an increase of \$917K from the Adopted Budget of \$4.5M. This is due to the funding forecast to be received during 2012/13 now anticipated to be received in 2013-2014. This includes \$862K of funding for the Ovens River/Faithful St precinct. These carried forward amounts are offset by an increase in surplus brought forward from 2012/13 therefore having no impact on the 2013/14 budget surplus/deficit.

#### Conclusion

Reforecasts for the 2013/14 financial year confirm that Council's rates surplus is predicted to decrease by a margin of \$1,407,082 to a deficit of \$1,207,082. The reforecast budget figures are the outcome of a review of all Budget items and take into account grants and projects carried over from the 2012/13 financial year.

#### Recommendation

***That Council resolves to note the Finance Report.***

***The motion was declared agreed by the Chair.***

### 11.2.3.2 PROCUREMENT POLICY

Council Policy Review

10.005.003

#### **Introduction**

Council adopted a Procurement Policy in 2009, in compliance with section 186(A) of the Local Government Act 1989 (the Act). Council is required to review the policy and adopt any changes arising from that review.

This report deals with the review of the Procurement Policy (*refer attachment*).

#### **Background**

The Victorian Government has published procurement best practice guidelines. The Victorian Local Government Best Practice Procurement Guidelines 2013 (the Guidelines) are designed to assist Victorian councils better understand their obligations under the Act.

The Guidelines have been informed by recommendations contained in reports by the Victorian Auditor-General and the Victorian Ombudsman and arose from collaboration between Local Government Victoria, procurement professionals across Victoria and in Victorian local government, key stakeholders and advisory bodies and the Local Government Professionals Special Interest Group.

Council's experience with the application of the procurement policy together with a comparison with the Guidelines has provided the foundation for a review of the policy. Internal consultation involved discussions with the Corporate Management Team, Manager Business Planning and Systems, Manager Projects and Contracts and the Senior Engineer Contracts.

#### **Issues**

The following is a list of recommended changes to the policy:

1. The structure of the document follows the guidelines;
2. The Objectives, Legislative Compliance & Scope sections have been taken from the guidelines;
3. Open and fair competition, accountability, risk management, probity & transparency, social procurement and effective & substantial preference have been added to Procurement Principles;
4. Social procurement principles have been sourced from the Victorian Government document 'Social Procurement: A Guide for Victorian Local Government';
5. The effective & substantial preference principle allows for a 5% price preference for goods, machinery or material manufactured or produced in Australia and New Zealand;



6. The Organisational Structure section has been added which confirms Council's centre-led approach using the Projects & Contracts business unit;
7. The Delegations & Authorities section has been extended to recognise the adopted Deeds of Delegation;
8. A Procurement Planning section has been added and provides for formal procurement planning for procurement with an estimated value exceeding \$1 million;
9. The Procurement Manual section has been added;
10. The Probity & Ethics section has been expanded to recognise Council's two relevant codes of conduct and associated requirements of the Act;
11. The Probity & Ethics section now requires a probity plan to be prepared and a probity advisor or auditor appointed to any tender evaluation panel where the estimated value of the subject tender is assessed to reach \$10 million;
12. The Evaluation & Consistency section has been expanded to include a firm policy of not accepting any late tenders;
13. The Risk Management section has been updated to recognise Council's Risk Management Policy;
14. The Risk Management section now requires a formal risk management plan for procurement of an estimated value of \$1 million or more;
15. The Internal Control section has been added recognising the role of Council's internal audit processes;
16. The Methods of Procurement section has been replaced in line with recommendations contained in the guidelines;
17. The Exemptions to Requirement for Public Tendering section has been added;
18. The Evaluating performance section has been expanded;
19. The Charter of Human Rights has been referenced in line with the guidelines; and
20. The reference to procurement procedures has been simplified.

### **Implications**

#### **Council Plan Outcomes**

This proposal is consistent with the strategic objective "To deliver Best Value Services".

**Conclusion**

As a consequence of all the above, it is recommended that the attached Procurement Policy is endorsed in its amended form.

**Recommendation**

***That Council resolves to endorse the attached Procurement Policy.***

***The motion was declared agreed by the Chair.***

**Communication**

The adopted Procurement Policy will be available for inspection by the public at the Council office and on Council's internet website.

### 11.2.3.3 PLANNING PERMIT APPLICATION PIn08-081.01 – EXTENSION TO EXISTING NURSERY FACILITIES AT PARK LANE WANGARATTA VIC 3677.

PInApp

08-081.01

#### **Introduction**

This report deals with an application to amend Planning Permit 08-081 to vary the hours of operation as permitted by condition on the Permit.

The application has received four (4) letters of objection and is therefore referred to Council for a decision. A recommendation is made to support the application and that a Notice of Decision (NOD) to Grant an Amended Permit be issued.

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

#### **Background**

Applicant: Scott Grant (North East Training and Employment Inc)  
Owner: The Roman Catholic Trusts Corporation  
Subject Land: CA 8 Sec 8 Park Lane Wangaratta VIC 3677  
Zone: Special Use Zone 5 (Previously Farming Zone)  
Overlay: N/A

#### **Recommendation**

Approval – Notice of Decision

#### **Site and Context**

The subject land is zoned Special Use Zone 5 although at the time of the original application the land was within the Farming Zone. It is located in an established residential and education precinct on land adjacent to Galen College and on land managed by the College. A small area in the north eastern corner of the subject land is within the Land Subject to Inundation Overlay which does not impact on the proposed development.

The business operating on the land is a not-for-profit social enterprise. It includes an education and training centre that also provides for the production and retail sale of plants. As part of the operation, the facility produces many of the native plants used by Council.

The plant nursery is located within land bounded by College Street, Phillipson Street and Park Lane (*refer to Figure 1 below*). The subject land is on the western side fronting Park Lane and is located 200 metres north of the intersection of College Street and Park Lane. The subject land is located within a predominately residential precinct, on land which is used for agricultural and educational purposes.

**Figure 1 Location of Plant Nursery**

**Subject Site:** 

**Objectors:** 

### **Proposal**

The original Permit (08-081) was granted on 28 August 2008 for *Extension to Existing Nursery Facilities*. This Permit included the hours of operation condition (Condition Number 3) that is the subject of the amendment application. The same condition was also later used on a subsequent Permit for the land, Permit number 09-229 for *Alterations & Additions to an Existing Plant Nursery Facility*, issued 14 April 2010.

The application proposes to amend the abovementioned condition on the Planning Permit to allow for increased hours of operation.

The Permit currently includes the following condition:

*Condition 3: The development may operate only between the hours of:*

- 8.30 am to 4.30pm Monday to Friday;
- 8.30 am to 1.30pm Saturday during the months of April to October

The amendment proposes to reword the condition to allow:

*Condition 3: The development may operate only between the hours of 8.30am to 4.30pm Monday to Sunday*

### **Planning Permit Trigger**

A formal amendment is required to change any Permit conditions pursuant to Section 72 of the *Planning and Environment Act 1987*.

### **Relevant Planning Provisions**

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

<b>Section</b>	<b>Clause</b>	<b>Provision</b>
State Planning Policy Framework	13.04-2 17.01-1 19.02-2	Air Quality Business Education Facilities
Local Planning Policy Framework -MSS	21.08 21.09 21.11	Economic Development Industry & Business Infrastructure & Community
Local Planning Policy Framework - Local Planning Policy	Nil	Nil
Zones	37.01	Special Use Zone
Overlays	Nil	Nil
Particular Provisions	Nil	Nil
Other Relevant Provisions/Documents/Information	Nil	Nil

### **Referrals**

Nil

### **Internal Departmental Advice**

The original application was not referred to Council's Technical Services Department although Conditions were placed on the Permit relating to dust suppression. The increased hours of operation will potentially exacerbate the dust nuisance upon the locality, and as a result it was considered appropriate to involve Technical Services in the amendment process.

Council's Technical Services Department have explored a short term option to upgrade Park Lane to allow for a crossover to be installed limiting the impact upon the locality. This upgrade will be facilitated via a Condition on the subsequent Planning Permit 09-229 that is being amended concurrently with this application.

### **Advertising**

Notification of the application for the amendment was given to adjoining neighbours and four (4) written objections were received.

All of the objections were received from Objectors or family members of Objectors to the previous applications. They did not object to the operation of the nursery, or to the increase hours of operation. Their objections instead relate to the conditions upon the original Planning Permits regarding dust suppression that were not satisfied.

Issue	Comment
Dust and Drainage Issues as a result of increased use of the existing gravel crossover.	Councils Technical Services department has reviewed the situation at the site. They have identified upgrades to the road that can occur to support the installation of a crossover. This is considered likely to alleviate this concern.

A conciliation meeting was held on 11 October, 2013 and was attended by three of the Objectors, the Permit Applicant and two representatives from the Planning Department. None of the Objections were withdrawn during or after the meeting, although the Objectors were generally supportive of the application subject to the crossover upgrades being undertaken.

### **Planning Assessment**

The nursery is as much a community asset as it is a productive nursery. The Applicant has outlined that the increase in operating hours is necessary to sustain the enterprise into the future. The increase in hours, especially those that limited the nursery to specific times of year, is essential for the seasonal nursery to become a 'general nursery'.

As the changes will facilitate the ongoing operation of a local enterprise and community facility, they are considered to be consistent with the 'Business' and 'Education Facilities' Clauses of the State Planning Policy Framework and the 'Economic Development', 'Industry and Business' and 'Infrastructure and Community' Strategies of the Municipal Strategic Statement.

The inadequate crossover has the potential to be at odds with the 'Air Quality' Clause of the State Planning Policy Framework. Although this Clause relates to the use of land, it is considered that the Use of the land is being intensified to incorporate year round operation. With increased operation, there is potential for increased air quality impacts.

Condition 13 (c) of the original Permit also required there to be no detrimental impact due to inter alia, dust. Mitigation of dust and drainage issues is therefore increasingly important. Nevertheless, it is considered that the issues should be largely managed by the upgrades to the crossover.

The Special Use Zone Schedule 5 relates to the combined education, employment, productive and retail use specific to the site. Provided the dust concerns can be managed, it is considered that the proposal is consistent with the Purpose of the Special Use Zone Schedule 5 as it will maintain the sustainable, productive, education use whilst minimising amenity impacts upon nearby residential land.

## **Conclusion**

On the basis of the above assessment, it is considered that an increase in the hours of operation should be supported subject to the satisfaction of Condition 2 of Permit 09-229. The Applicant will be advised as part of the approval that this must be satisfied as soon as practicable after Council works upon the road are completed.

## **Recommendation**

***That Planning Permit Application No. Pln08-081.01 be amended to revise the hours of operation permitted by Condition number 3 and that an amended Planning Permit be issued subject to the following conditions:***

- 1. The development permitted by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the responsible authority;***
- 2. The land is to be developed and used for a Native Plant Nursery in accordance with the endorsed plans;***
- 3. The development may operate only between the hours of 8.30 am to 4.30pm Monday to Sunday;***
- 4. All car parking spaces and access lanes shown on the endorsed plans must be kept available for these purposes at all times;***
- 5. Vehicles under the control of the operator of the use or the operator's staff or attending the development must not be parked on the nearby roads;***
- 6. The surface of the car park area must be treated to the satisfaction of the responsible authority to prevent dust causing loss of amenity to the neighbourhood;***
- 7. In areas set aside for car parking, measures must be taken to the satisfaction of the responsible authority to prevent damage to fences or landscaped areas;***
- 8. The applicant shall ensure that dust suppression is undertaken in the form of a proprietary dust suppressant to ensure that dust caused by vehicles moving along the access road and/or within the site does not cause a nuisance to surrounding properties to the satisfaction of the Responsible Authority;***
- 9. The development shall not have an adverse impact on existing or future air quality;***
- 10. The loading and unloading of goods from vehicles must only be carried out from within the land;***

11. ***Outdoor lighting must be designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land;***
12. ***All existing native vegetation must not be removed, destroyed or lopped without the written consent of the responsible authority;***
13. ***The amenity of the area must not be detrimentally affected by the use and/or development approved by this permit, through the:***
  - a. ***Transport of materials, goods or commodities to or from the land;***
  - b. ***Appearance of any building, works or materials;***
  - c. ***Emission of noise, vibration, smell, fumes, smoke, ash, dust, waste water, or waste products; and***
  - d. ***Presence of vermin.***
14. ***This permit will expire if:***
  - a. ***the development is not commenced within two years of the date of this permit; and***
  - b. ***the development is not completed within four years of the date of this permit.***

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

***The motion was declared agreed by the Chair.***

### **Communication**

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



11.2.3.4 PLANNING PERMIT APPLICATION PIn09-229.01 - ALTERATIONS AND ADDITIONS TO AN EXISTING PLANT NURSERY FACILITY AT PARK LANE WANGARATTA VIC 3677,

PlnApp

09-229.01

### **Introduction**

This report deals with an application to amend Planning Permit 09-229 to vary the hours of operation as permitted by condition on the Permit.

The application has received four (4) letters of objection and is therefore referred to Council for a decision. A recommendation is made to support the application and that a Notice of Decision (NOD) to grant an amended permit be issued.

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

### **Background**

Applicant: Scott Grant (North East Training and Employment Inc)  
Owner: The Roman Catholic Trusts Corporation  
Subject Land: CA 8 Sec 8 Park Lane Wangaratta VIC 3677  
Zone: Special Use Zone 5  
Overlay: N/A

### **Recommendation**

Approval – Notice of Decision

### **Site and Context**

The subject land is zoned Special Use Zone 5 and is located in an established residential and education precinct on land adjacent to Galen College and on land managed by the College. A small area in the north eastern corner of the subject land is within the Land Subject to Inundation Overlay which does not impact on the proposed development.

The business operating on the land is a not-for-profit social enterprise. It includes an education and training centre that also provides for the production and retail sale of plants. As part of the operation, the facility produces many of the native plants used by Council.

The plant nursery is located within land bounded by College Street, Phillipson Street and Park Lane (*refer to Figure 1 below*). The subject land is on the western side fronting Park Lane and is located 200 metres north of the intersection of College Street and Park Lane. The subject land is located within a predominately residential precinct, on land which is used for agricultural and educational purposes.

**Figure 1 Location of Plant Nursery**



**Subject Site:** 

**Objectors:** 

**Figure 1 - Location of Nursery**

**Proposal**

The original Permit (09-229) was granted on 14 April 2010 for *Alterations & Additions to an Existing Plant Nursery Facility*. This Permit included the hours of operation condition (Condition Number 5) that is the subject of the amendment application. The same condition was also previously used on a previous Permit for the land, Permit number 08-081 for *Extension to Existing Nursery Facilities*, issued 28 August 2008.

The application proposes to amend the abovementioned condition on the Planning Permit to allow for increased hours of operation.

The Permit currently includes the following condition:

- Condition 5: The development may operate only between the hours of:
- 8.30 am to 4.30pm Monday to Friday;
  - 8.30 am to 1.30pm Saturday during the months of April to October

The amendment proposes to reword the condition to allow:

Condition 5: The development may operate only between the hours of 8.30am to 4.30pm Monday to Sunday

### **Planning Permit Trigger**

A formal amendment is required to change any Permit conditions pursuant to Section 72 of the *Planning and Environment Act 1987*.

### **Relevant Planning Provisions**

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

Section	Clause	Provision
State Planning Policy Framework	13.04-2 17.01-1 19.02-2	Air Quality Business Education Facilities
Local Planning Policy Framework -MSS	21.08 21.09 21.11	Economic Development Industry & Business Infrastructure & Community
Local Planning Policy Framework - Local Planning Policy	Nil	Nil
Zones	37.01	Special Use Zone
Overlays	Nil	Nil
Particular Provisions	Nil	Nil
Other Relevant Provisions/Documents/Information	Nil	Nil

### **Referrals**

Nil

### **Internal Departmental Advice**

The original application was referred to Council's Technical Services Department that provided a number of conditions although did not object. Condition number 2 submitted by Technical Services and adopted on the original Planning Permit required the Applicant to seal the access crossover.

Subsequent to the original Permit being granted, an onsite meeting was held between the Applicant and Council's Planning and Technical Services Departments. It was determined at the meeting that the condition of Park Lane was not conducive to the crossover upgrades required, and therefore the upgrades should be delayed until such time as Council has upgraded the road and its drainage.

Almost two years have passed since the onsite meeting, and the increased hours of operation will potentially exacerbate the dust nuisance upon the locality. As a

result, it was considered appropriate to involve Technical Services in the amendment process.

Council's Technical Services Department have not altered their response from the original application. They have however, explored a short term option to upgrade Park Lane to allow for the crossover to be installed.

### **Advertising**

Notification of the application for the amendment was given to adjoining neighbours and four (4) written objections were received.

Three of the objections were received from Objectors or family members of Objectors to the previous applications. They did not object to the operation of the nursery, or to the increase hours of operation. Their objections instead relate to the conditions upon the original Planning Permit that were not satisfied.

Issue	Comment
Dust and Drainage Issues as a result of increased use of the existing gravel crossover.	<p>Councils Technical Services department has reviewed the situation at the site. They have reiterated their previous stance that the crossover should not be constructed prior to upgrades to the road.</p> <p>They have however identified upgrades to the road that can occur in the interim until such time as more substantial road upgrades can occur. The interim upgrades will be sufficient to support the installation of the crossover.</p> <p>As a result, it is considered that the previous condition can be satisfied and the crossover upgraded.</p>

A conciliation meeting was held on 11 October, 2013 and was attended by three of the Objectors, the Permit Applicant and two representatives from the Planning Department. None of the Objections were withdrawn during or after the meeting, although the Objectors were generally supportive of the application subject to the crossover upgrades being undertaken.

### **Planning Assessment**

The nursery is as much a community asset as it is a productive nursery. The Applicant has outlined that the increase in operation hours is necessary to sustain the enterprise into the future. The increase in hours, especially those that limited the nursery to specific times of year, is essential for the seasonal nursery to become a 'general nursery'.

As the changes will facilitate the ongoing operation of a local enterprise and community facility, they are considered to be consistent with the 'Business' and 'Education Facilities' Clauses of the State Planning Policy Framework and the

'Economic Development', 'Industry and Business' and 'Infrastructure and Community' Strategies of the Municipal Strategic Statement.

The inadequate crossover has the potential to be at odds with the 'Air Quality' Clause of the State Planning Policy Framework. Although this Clause relates to the use of land, it is considered that the Use of the land is being intensified to incorporate year round operation. With increased operation, there is potential for increased air quality impacts.

Condition 12 (c) of the original Permit also required there to be no detrimental impact due to inter alia, dust. Mitigation of dust and drainage issues is therefore increasingly important. Nevertheless, it is considered that the issues should be largely managed by fulfilment of the previous crossover upgrade condition.

The Special Use Zone Schedule 5 relates to the combined education, employment, productive and retail use specific to the site. Provided the dust concerns can be managed, it is considered that the proposal is consistent with the Purpose of the Special Use Zone Schedule 5 as it will maintain the sustainable, productive, education use whilst minimising amenity impacts upon nearby residential land.

### **Conclusion**

On the basis of the above assessment, it is considered that an increase in the hours of operation should be supported subject to the satisfaction of Condition 2 of the original Permit. The Applicant will be advised as part of the approval that this must be satisfied as soon as practicable after Council works upon the road are completed.

### **Recommendation**

***That Planning Permit Application No. PIn09-229.1 be amended to revise the hours of operation permitted by Condition number 5 and that an amended Planning Permit be issued subject to the following conditions:***

- 1. Before the development commences, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:***
  - a) No fewer than an additional 7 car spaces to be provided on the land for the use and development; and***
  - b) Detailed, scaled plans of the proposed training room showing a plan view and elevations. The plans must also provide details of materials and colours to be used in the development.***

- 2. Before the development commences, the crossover and access ways created by the proposed development and as shown on the endorsed plan must be constructed sealed, line marked, illuminated and drained in accordance with plans and specifications approved by the Responsible Authority.**
- 3. The development permitted by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the responsible authority.**
- 4. The land is to be developed and used for a Native Plant Nursery in accordance with the endorsed plans.**
- 5. The development may operate only between the hours of 8.30 am to 4.30pm Monday to Sunday.**
- 6. All car parking spaces and access lanes shown on the endorsed plans must be kept available for these purposes at all times.**
- 7. The surface of the car park area must be treated to the satisfaction of the responsible authority to prevent dust causing loss of amenity to the neighbourhood.**
- 8. In areas set aside for car parking, measures must be taken to the satisfaction of the responsible authority to prevent damage to fences or landscaped areas.**
- 9. All surface and stormwater on the subject land must be controlled, collected in underground pipes and drained to an approved outlet to the satisfaction of the Responsible Authority.**
- 10. The loading and unloading of goods from vehicles must only be carried out from within the land.**
- 11. Outdoor lighting must be designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land.**
- 12. The amenity of the area must not be detrimentally affected by the use and/or development approved by this permit, through the:**
  - a) Transport of materials, goods or commodities to or from the land;**
  - b) Appearance of any building, works or materials;**
  - c) Emission of noise, vibration, smell, fumes, smoke, ash, dust, waste water, or waste products; and**
  - d) Presence of vermin.**

**13. This permit will expire if:**

- a) the development is not commenced within two years of the date of this permit; and**
- b) the development is not completed within four years of the date of this permit.**

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

**The motion was declared agreed by the Chair.**

**Communication**

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

### 11.2.3.5 PLANNING PERMIT APPLICATION PLNAPP13/081 – USE AND DEVELOPMENT OF A DWELLING AT 499 KERRS ROAD MILAWA VIC 3678

PlnApp

13/081

#### **Introduction**

This report deals with an application for the Use and Development of a Dwelling.

The applicant has failed to address repeated concerns expressed by Council regarding a number of local policies. A recommendation is made to refuse the application and that a Refusal to Grant a Permit be issued.

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

#### **Background**

<b>Applicant:</b>	North East Planning Plus
<b>Owner:</b>	Glenn T Allan & Amanda L Allan
<b>Subject Land:</b>	Lot 2 TP 948125 Vol 11275 Fol 613 499 Kerrs Road MILAWA VIC 3678
<b>Zone/s:</b>	Farming Zone
<b>Overlay/s:</b>	Land Subject to Inundation Flood Overlay

#### **Recommendation**

Refusal

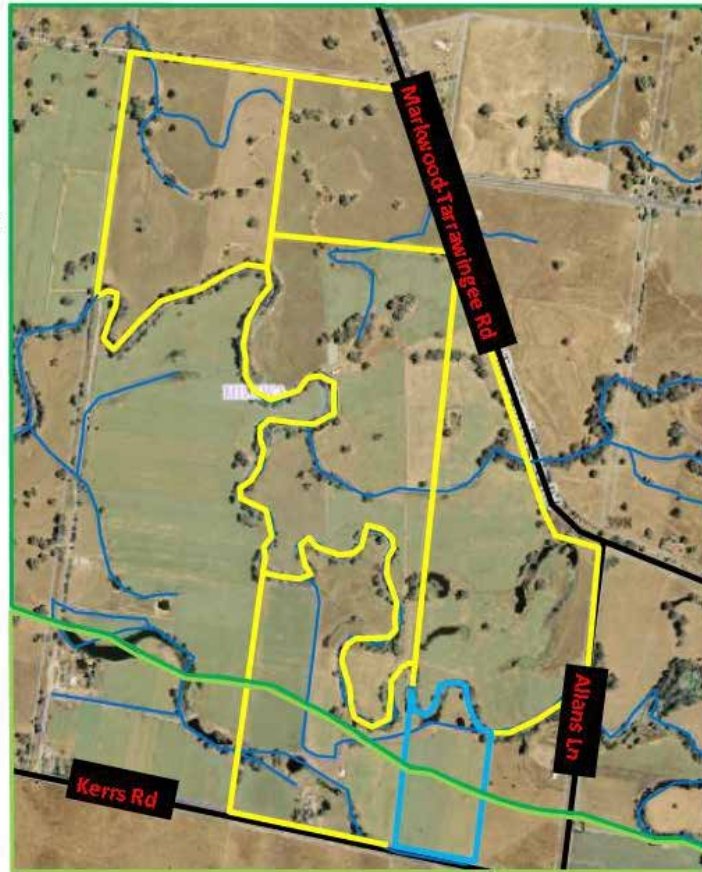
#### **Site and Context**

The subject allotment covers an area of approximately 7.5 hectares, although it is currently part of a larger property of approximately 135 hectares over six allotments (*Refer to Figure 1*). There is an existing farm house and infrastructure on an adjoining allotment (CA 2 Sec 19 Par Oxley Vol 11275 Fol 612). Crown Allotment 2 and the subject allotment are the only two parcels of the property that aren't entirely covered by either the Land Subject to Inundation Overlay or the Flood Overlay.

The majority of the property is considered to be of 'Very High Agricultural Versatility'. The remainder of the property, including approximately half of the subject allotment, is considered to be of 'High Agricultural Versatility'. The property is currently operating as a dairy farm.

There are many water courses throughout the property, including some at the front and rear of the subject allotment. There is minimal vegetation within the subject allotment; there are the occasional trees through the site with the only discernable clusters of vegetation found at the rear beside 'Tea Garden Creek'.



**Figure 1****Subject Lot:****Greater Property:****Waterways:****Very High  
Agricultural  
Versatility:****High Agricultural  
Versatility:**

## **Proposal**

The proposal is for the Use and Development of a dwelling on the currently vacant allotment. The proposed dwelling comprises of four bedrooms (including one enclosed study) and two bathrooms. It is proposed to be located 60 metres from the front boundary of the allotment, and a similar distance from the waterway adjacent this boundary. Its proposed effluent disposal area is 100 metres from the front watercourse, and approximately 250 metres from Tea Garden Creek to the rear.

The proposed dwelling is intended to accommodate the existing property owners, while their existing dwelling on the adjoining allotment is used to house additional farm staff. No outbuildings are proposed for the new dwelling. Access is proposed to be obtained from Kerrs Road. All proposed works are outside of both the Land Subject to Inundation and Flood Overlays.

## **Planning Permit Trigger**

### **Clause 35.07-1:**

- Use of a Dwelling on a lot less than 40 Hectares (Section 2 Use) in the Farming Zone.

### **Clause 35.07-4:**

- Buildings and Works associated with a Section 2 Use; and
- A Building within 100 metres of a waterway in the Farming Zone.

### **Relevant Planning Provisions**

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

<b>Section</b>	<b>Clause</b>	<b>Provision</b>
State Planning Policy Framework	14.01	Agriculture
Local Planning Policy Framework -MSS	21.05	Rural Land Use and Agriculture
Local Planning Policy Framework - Local Planning Policy	22.01-1	Housing and Shed in Rural Areas
Zones	35.07	Farming Zone
Overlays	Nil	Nil
Particular Provisions	Nil	Nil
Other Relevant Provisions/Documents/Information	Nil	Nil

### **Referrals**

<b>Authority</b>	<b>Section</b>	<b>Response</b>
Goulburn Murray Water	Section 55 Referral	No Objection subject to five conditions relating to the wastewater management system.
North East Catchment Management Authority	Section 52 Referral	No Objection although provided recommendation relating to a preferred minimum finished floor level.

### **Internal Department Advice**

<b>Department</b>	<b>Response</b>
Engineering	No Objection subject to two conditions relating to runoff and vehicle access.
Environmental Health	No Objection

### **Advertising**

The application was advertised to adjoining landowners. No objections were received.

## **Planning Assessment**

The Municipal Strategic Statement within the Wangaratta Planning Scheme states that:

'The construction and use of housing in some areas has led to the loss of agricultural use and generated conflict between rural and lifestyle uses. Both subdivision and rural housing must provide for and retain the agricultural use of the land. Any subdivision and rural housing proposals in higher agricultural productivity and versatility areas need to be directly linked to an agricultural use, retain productive agricultural use of the land and area, protect the economic potential of the land and area for agriculture, and not be used for rural lifestyle purposes.'

The subject site is on land considered to be of High Agricultural Versatility, if not Very High Agricultural Versatility. Accordingly, the Applicant has been requested to provide justification in the form of a linkage between the new dwelling and the productive use of the land. Specifically, the Local Planning Policy Framework suggests that a 'Whole Farm Plan' can aid in identifying a need for a dwelling. The Applicant has provided insufficient justification for the new dwelling and has not provided a 'Whole Farm Plan'.

The Applicant has also been advised that the Local Planning Policy Framework identifies:

The need to consolidate land or crown allotments in the same ownership as part of a dwelling proposal in 'very high' and 'high' agricultural versatility areas if it is considered that consolidation would protect the existing and future productive use of rural and agricultural land.

The property in question incorporates six allotments. The subject allotment could be consolidated with one or more parcels to create an allotment greater than 40 hectares. This would legally tie the proposed dwelling to a land parcel capable of accommodating a productive use, even in the event that it is separated from the remaining four parcels. The applicant was given several opportunities to amend the application to facilitate the consolidation. They instead chose to continue with the application in its current form.

Without consolidation, there would be nothing preventing the owners from selling the current 7.5 hectare parcel and the new dwelling. An allotment of that size would have limited productive capacity by itself. If sold, it would likely be used as a 'lifestyle' allotment. This would ultimately remove the parcel of High to Very High Agriculturally Versatile land from productive use. It may also hinder the 'right to farm' agriculturally highly versatile land by prompting a conflict between the 'lifestyle' use and adjoining productive uses.

As a result, the proposal is considered to be generally inconsistent with Clause 21.05 of the Municipal Strategic Statement and 22.01-1 of the Local Planning Policy Framework. The proposal is similarly inconsistent with the objectives of preventing the loss of productive land and the proliferation of dwellings within

both Clause 14.01 of the State Planning Policy Framework, and the Farming Zone.

### **Conclusion**

In consideration of the above matters and without significant practical legal connection between the proposed dwelling and the productive use of the land, there is no justification for a new dwelling on the land.

### **Recommendation**

***That Planning Permit Application No. PInApp13/081 for the Use and Development of a Dwelling be refused on the following grounds and that a Refusal to Grant a Permit be issued.***

- ***The application is inconsistent with the Municipal Strategic Statement and Local Planning Policy Framework because:***
  - § ***It has not been demonstrated to have a practical connection to the use of the land for productive uses;***
  - § ***It would have the potential to result in the loss of productive land;***  
***and***
  - § ***It would have the potential to result in conflict with agricultural properties within the locality and threaten the ‘right to farm’ in areas of High to Very High Agricultural Versatility.***

The Chair declared that this item be held over until the next Council Meeting to enable consideration of additional information.

### **Communication**

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

11.2.3.6 PLANNING PERMIT APPLICATION PLN13/112 – USE OF A MEDICAL CENTRE, DEMOLITION OF A GARAGE AND THE INSTALLATION OF BUSINESS IDENTIFICATION SIGNAGE AT 69 GREEN STREET WANGARATTA VIC 3677

PlnApp

13/112

### **Introduction**

This report deals with an application for the Use of a Medical Centre, Demolition of a Garage and the Installation of Business Identification Signage.

The application has received one (1) letter of objection and is therefore referred to Council for a decision. A recommendation is made to support the application and that a Notice of Decision (NOD) to grant a permit be issued.

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

### **Background**

Applicant: Louise R Wood  
Owner: Peter A Goodman  
Subject Land: 69 Green Street Wangaratta VIC 3677  
Zone: Residential 1 Zone  
Overlay: Heritage Overlay (Schedule 16)

### **Recommendation**

Approval – Notice of Decision

### **Site and Context**

The subject land is zoned Residential 1 Zone, and is affected by a Heritage Overlay. It is located in an established residential area that also features a number of medical centres. It is also located on an arterial road (*Refer to Figure 1*) and at the periphery of the Wangaratta Central Activities Area, within close proximity to two hospitals.

Despite being within a Heritage Precinct, the subject site is considered neither a Contributory Item nor Individually Significant. The neighbouring property to the south is however a Contributory Item, as is a property to the North East on the opposite side of Green Street. A building to the South East on the opposite side of Green Street is considered to be Individually Significant.

The site currently features a residential dwelling and associated outbuildings. There is a Chiropractic Clinic that is operating within the dwelling under Home Occupation provisions. The existing business has one practitioner, and no on-site car parks are provided.

There are a number of roadside car parks either side of the road. The parks are sealed but not line marked.


A single-width access-way runs along the southern boundary of the allotment. It is covered by a carport for much of its length. The access-way is 3.64 metres wide, with an additional 1.225 metre wide garden beside it adjacent to the fence. There is also a single vehicle garage in the rear yard of the property.

The clinic is advertised by an existing Business Identification Sign that exceeds the Home Occupation Sign dimensions and has not been granted a Planning Permit.

**Figure 1 Proposed Development site**



Subject Site: 

Objector: 

### **Proposal**

The proposal is to Use the building as a Chiropractic Clinic, as well as to undertake some associated works (*Refer to Figure 2*). Although there is already a legally operating Chiropractic Clinic on the site, it is ancillary to a residential use that is ceasing.



The Chiropractic Clinic is proposed to have a maximum of one practitioner operating at any one time. It is proposed to operate between the following hours:

- Monday: 8am – 6pm;
- Tuesday: 8am – 6pm;
- Wednesday: 1.30pm – 6pm;
- Thursday: 8am – 6pm; and
- Friday: 8am – 6pm;

Five car parking spaces are provided at the rear of the building. They will be accessed under the existing carport. Access will be provided via both the front and the rear doors. Deliveries will be via courier with a standard ‘Hiace style’ delivery van.

Figure 2

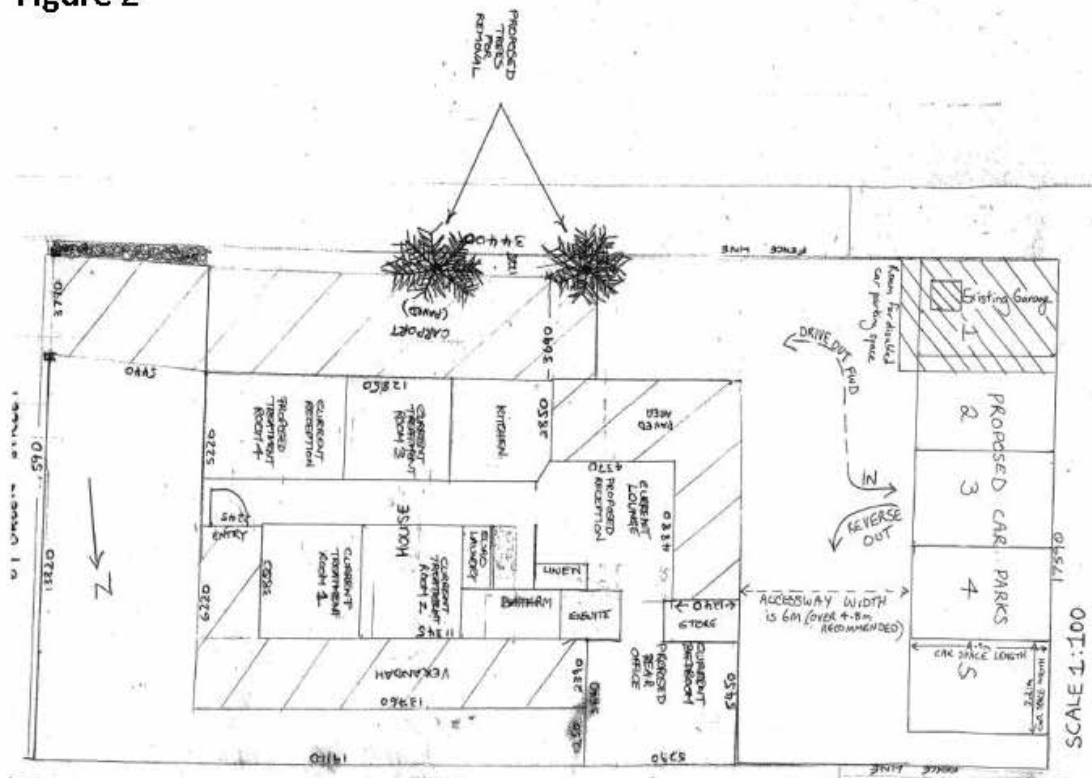


Figure 2 – Details of Associated Works

The works proposed involve demolishing the existing garage in the rear yard in order to make room for the car parking. There is also an application to legitimise an existing albeit not approved Business Identification Sign in the front yard of the property. The sign is approximately 1 metre by 1 metre, and has a maximum structure height of less than 2.5 metres. Its design and colour scheme matches the dwelling.

### **Planning Permit Trigger**

#### **Clause 32.01-1**

- Use of a Medical Centre (Section 2 Use) in the Residential 1 Zone.

#### **Clauses 32.01-7 & 52.05-9:**

- Installation of a Business Identification Sign in the Residential 1 Zone (Category 3 for Advertising Signs)

#### **Clause 43.01-1:**

- Demolition of a Building in the Heritage Overlay

### **Relevant Planning Provisions**

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

<b>Section</b>	<b>Clause</b>	<b>Provision</b>
State Planning Policy Framework (SPPF)	15.03-1 17.01-1 18.02-5 19.02-1	Heritage Conservation Business Car Parking Health Facilities
Local Planning Policy Framework (MSS)	21.06  21.08 21.09 21.10	Urban Development & Central Activities Area Economic Development Industry & Business Environmental Management & Heritage
Local Planning Policy Framework (LPPF)	22.04-3  22.05-1 22.06-3	Public Places, Thoroughfares & Tourist Routes Medical Centres Heritage Places and Precincts
Zones	32.01	Residential 1 Zone
Overlays	43.01	Heritage Overlay Schedule 16
Particular Provisions	52.05 52.06 52.07  52.29	Advertising Signs Car Parking Loading & Unloading of Vehicles Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road.
Other Relevant Provisions/Documents/Information	Nil	Nil

### **Referrals**

Nil



### **Internal Departmental Advice**

The application has been referred Council's Technical Services Department for comment. They have provided a number of concerns and have accordingly objected to the proposal unless the following can be demonstrated:

1. An area within the curtilage of the property close to the entrance of the Medical Centre set aside to ensure safety and convenience for patient/client to be dropped-off and picked-up. The design vehicle shall be based on a minimum 5.2 metre car with 8 metre turning radius, and such vehicles must ensure that they can enter and exit in a forward direction at all times;
2. An area within the curtilage of the property set aside to ensure safety and convenience for loading and unloading goods and supplies. The design vehicle shall be based on a minimum 8.8 metre service vehicle with 12.5 metre turning radius, and such vehicles must be able to enter and exit the site in a forward direction at all times. Alternative solutions may be considered for deliveries outside the site provided safe and practical functionality can be shown;
3. That the proposed car parking layout will function properly under all normal conditions without conflicts arising between vehicles and between vehicles and pedestrians. The design vehicle shall be based on a minimum 5.2 metre car with 8 metre turning radius and such vehicles must be able to enter and exit in a forward direction at all times; and
4. Provision within the curtilage within the subject land for 5.2 metre vehicles to pass when entering and exiting the site.

It has been considered that, although somewhat valid, not all of the concerns can be reasonable expected to eventuate as a result of the use of the scale that is proposed. Many of the works required to fulfil these requirements are consequently considered to be onerous, and outside the scope of what can be required from a change of use of this minor a nature.

Each of the aforementioned concerns is addressed below:

1. The plans are required to be revised to demonstrate that the rear door of the building is suitable as an access point for all patients/clients of the clinic, including those in wheelchairs. This doorway is adjacent to the car park, and it is considered that patients/clients will be able to be dropped in any of the car parks in the rear car parking area, including a disabled bay, and access the clinic without unreasonable impact. Any permit must be conditioned accordingly;

2. All deliveries that relate to the core business in operation (excluding infrequent furniture deliveries) are conducted by a standard courier van of a maximum length of 5.2 metres. Such a vehicle will be able to manoeuvre within the car park otherwise used for passenger vehicles. Any permit will be conditioned to ensure that all deliveries within business hours are by a vehicle of this size. All other deliveries, such as furniture, must take place whilst the clinic is not in operation and all delivery vehicles must enter and exit the site in a forward direction. Clause 52.07 of the Planning Scheme, relating to the provision of loading and unloading areas only apply to business that manufacture, service, store or sell *goods or materials*. Accordingly, it is considered that more stringent loading and unloading requirements are excessive given the nature of the business.
  
3. The proposed car park adheres to the design standards of Clause 52.06-8 of the Planning Scheme. The access way exceeds the minimum width of 3 metres. At the change of direction, it is greater than 4.2 metres wide. After the change of direction, the five car parks are angled at 90 degrees from the access-way. Each car park is at least 3.2 metres wide and 4.9 metres long. The access-way is greater than the minimum 4.8 metres wide for car parks at this angle and of this size. There is space at the dead end of access-way so that the vehicle parked in the last parking space can enter and exit in a forward direction. Accordingly, it is considered that the car park will be able to function under ordinary conditions.
  
4. There is insufficient space within the curtilage of the property to provide a passing area without demolition of the front room of the building. Alterations to the crossover are not considered appropriate as Green Street is a VicRoads managed road, and a wider crossover would likely result in the loss of at least one on-street parking space. Clause 52.06-8 requires a passing bay when the access-way serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Road Zone. Although Green Street is in a Road Zone, the access-way neither serves more than ten spaces nor is greater than 50 metres in length. Therefore it is considered excessive to require a passing bay.

### **Advertising**

Notification of the application for the amendment was given to adjoining neighbours and one (1) written objection was received. The objection raised four concerns that are addressed below:

Issue	Comment
Traffic congestion and interruption of nearby major roundabout.	The subject site is located on a main road, and is likely to already be subjected to considerable traffic. There is also already a clinic operating from the premises. As a result, it is not expected that the proposed use will result in a notable increase in traffic or congestion within the area.
Patients parking on the roadside.	The existing business relies exclusively on the roadside parking. The proposed business will continue to have a maximum of one patient/client

Issue	Comment
	at any one time. The proposed business proposes to provide the minimum number of parking spaces as required by Clause 52.06-5 of the Planning Scheme. It is therefore considered likely that the on-street parking demand will be decreased rather than increased.
Potential for more than one practitioner to operate from the site.	The permit will be conditioned that only one practitioner can operate at any one time. Council will undertake proactive enforcement to monitor whether this condition is adhered to.
Whether customers will be practically able to access the rear of the property and its car parking	As aforementioned, the car park design adheres to the design standards as provided by the Planning Scheme. As a result, it is considered that the proposed car park is functional.

A conciliation meeting was held on 29 October, 2013 although due to confusion between parties the objector did not attend. The objection was not withdrawn.

### **Planning Assessment**

The Residential 1 Zone's Purpose includes the provision of non-residential uses in appropriate locations. Clause 21.06 of the Municipal Strategic Statement and Clause 22.05-1 of the Local Planning Policy Framework contribute that economic development, particularly relating to medical centres, should be supported, although not at the expense of residential amenity.

Despite being located within a Residential Zone, the subject site is on a main road and within a locality that already features a number of medical practices. The proposed clinic is also of a minor nature. Therefore the proposal is not considered to be inconsistent with the aforementioned clauses. The proposal respects the residential amenity and the associated clauses of the Local Planning Policy Framework by limiting the hours of operation.

Further, Clauses 17.01-1 and 19.02-1 advocate for the development of business to match community needs and the integration of health related businesses into local and regional communities. The proposal is considered consistent with these clauses as it to a degree formalises an existing health related home occupation within a locality that serves as both a local and a regional medical hub.

The proposal is consistent with Clauses 21.08 and 21.09 of the Municipal Strategic Statement that supports the growth of local businesses, the latter specifically referring to the operation of offices at the periphery of the Central Activities Area. Clause 22.05-1 also suggests that medical centres within residential areas should be on main roads rather than a residential street or cul-de-sac, and that they should be located close to public transport routes. The proposal is similarly consistent with this clause.

As aforementioned, the proposed car parking, access and loading/unloading layout adheres to the standards of Clauses 52.06 and 52.07 of the Planning Scheme. The proposal is also therefore considered consistent with Clause 18.02-5 of the State Planning Policy Framework and Clause 22.05-1 of the Local Planning Policy Framework.

Finally, the proposal is consistent with the Heritage Overlay, as well as Clauses 15.03-1, 21.10 and 22.06-3. The garage to be demolished is not visible from the street, and the site itself is not considered to be Individually Significant or a Contributory Item. No alterations are proposed to the main building itself. The sign is considered to be orderly and compatible, thus also satisfying Clauses 22.04-3, 52.05 and 52.29 regarding its visibility and impact on a main road and tourist route.

### **Conclusion**

On the basis of the above assessment, it is considered that the proposal is general consistent with the provisions of the Planning Scheme and should be supported subject to the satisfaction of a number of Conditions.

### **Recommendation**

***That Council resolve to issue a Notice of Decision to Grant a Planning Permit (NOD) with respect to Planning Application No. 13/112 for the Demolition of an Existing Garage, Installation of Business Identification Signage, and Use of a Medical Centre at 69 Green Street, Wangaratta subject to the following conditions:***

- 1. Before the development commences, an amended site plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must be generally in accordance with the site plan lodged 22 July 2013, although modified to show:***
  - a) Patient/Client access from the rear of the building directly into the car park;***
  - b) Traffic Direction Signage advising patients/clients of the parking available at the rear; and***
  - c) The location of the Business Identification Sign.***
- 2. The development permitted by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the Responsible Authority.***
- 3. Except with the prior written consent of the Responsible Authority, no more than one (1) Medical Practitioner may operate from the premises at any one time.***

4. ***The development may operate only between the hours of 8am to 6pm Monday to Friday.***
5. ***Prior to the commencement of the use, car parking and access ways created by the proposed development and as shown on the endorsed plan are to be constructed, sealed and drained to the satisfaction of the Responsible Authority.***
6. ***Prior to the commencement of use, the five car parks provided must be line-marked and signed for the exclusive use of the business on the subject site. This includes signage at the beginning of the access-way that directs drivers to the parking at the rear. All signage must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres.***
7. ***All car parking spaces and access lanes shown on the endorsed plans must be kept available for the use of patients/clients at all times.***
8. ***All deliveries carried out during operating hours must be made by vehicles of a maximum length of 5.2 metres.***
9. ***The loading and unloading of vehicles must at all times be undertaken within the curtilage of the subject land.***
10. ***Vehicle access and egress from the property must take place in a forward direction at all times.***
11. ***Care is to be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure is to be replaced by the applicant, at the applicant's cost to the specification and satisfaction of the Responsible Authority.***
12. ***All surface and stormwater on the subject land must be controlled, collected in underground pipes and drained to an approved outlet to the satisfaction of the Responsible Authority.***
13. ***The location and details of the sign(s), and any supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.***
14. ***The sign(s) must not contain any flashing light.***
15. ***The sign(s) must not be illuminated by external or internal light except with the written consent of the Responsible Authority.***
16. ***The sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.***

- 17. This permit will expire if one of the following circumstances applies:**
- a) the development is not commenced within two years of the date of this permit;**
  - b) the development is not completed within four years of the date of this permit;**
  - c) the use is not started within two years of the date of this permit;  
and**
  - d) If commenced within two years, the use is then discontinued for a period of two years.**

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

**The motion was declared agreed by the Chair.**

### **Communication**

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

11.2.3.7 PLANNING PERMIT APPLICATION PLN07-231B.01 - AMENDMENT TO PERMIT 07-231B - STAGED NINETY (90) LOT SUBDIVISION AND DEMOLITION OF EXISTING DWELLING AT CA12/13 SECTION 1A AND LOT A PS629157 SALISBURY STREET WANGARATTA VIC 3677

PlnApp

07-231b.01

### **Introduction**

This report deals with an application to amend Planning Permit 07-231b to vary the lot yield from 85 lots to 90 lots and provide for a five (5) staged subdivision over a 6-7 year period. It also results in the demolition of a dwelling within a Heritage Overlay.

The application has received three (3) letters of objection and is therefore referred to Council for a decision. A recommendation is made to support the application and that a notice of decision to grant (NOD) an amended permit be issued.

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

### **Background**

**Applicant:** North East Survey Design  
**Owner:** Wangaratta Developments Pty Ltd  
**Subject Land:** Lot A PS 629157 Vol 11286 Fol 152  
Salisbury Street WANGARATTA VIC 3677  
**Zone/s:** Residential 1 Zone (R1Z)  
**Overlay/s:** Rural Flood Overlay (part RFO)  
Heritage Overlay (HO123)

### **Recommendation**

Approval – Notice of Decision

### **Site and Context**

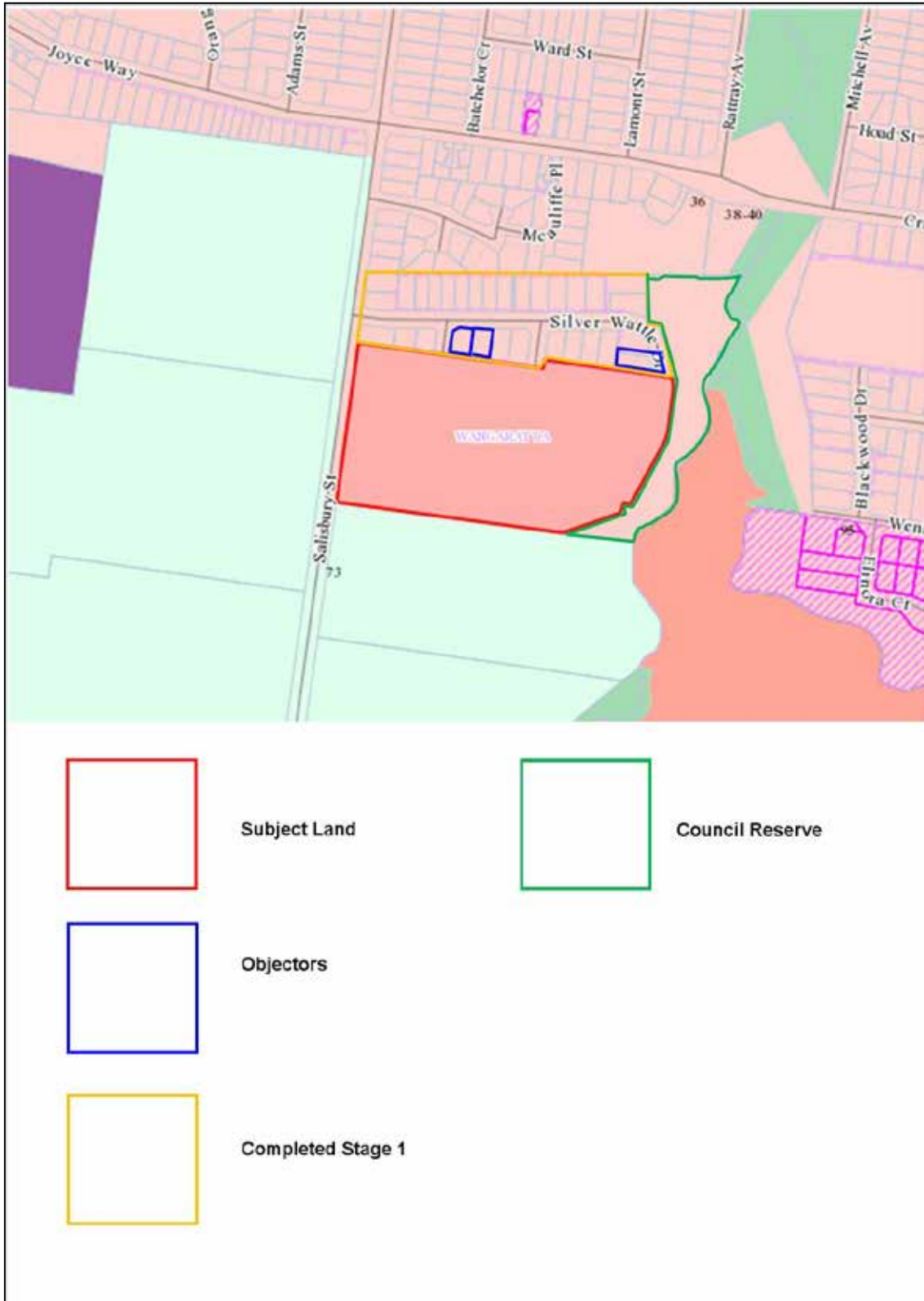
The subject land is located on the southern fringe of urban Wangaratta and forms an irregular shape with frontage to Salisbury Street and the rear boundary abutting the newly acquired reserve along One Mile Creek which forms the public open space requirement for the subdivision. (Refer Figure 1).

The subject land abuts residential land to the north and farming to the south. The surrounding area is generally established residential land with the first stage of the subdivision comprising 31 lots currently being developed to the north of the site.



There is an existing older dwelling in situ on the undeveloped stage of the site. This dwelling holds little heritage value in itself, having been significantly altered over the years.

**Figure 1. Site and Context Plan**





## **Proposal**

The original permit approved an 85 lot subdivision with Reserve along the One Mile Creek. The original endorsed plans showed three stages and the first stage is now completed, titles issued and are currently being developed.

The proposal is to amend the permit to specify a staged subdivision, increase the lot yield from an 85 to a 90 lot subdivision with staging over a 6-7 year period and amend the endorsed plans accordingly (***refer attachment 1***).

As a result of the lot increase, an existing older dwelling is proposed to be demolished.

## **Planning Permit Trigger**

A formal amendment is required to change any Permit condition or any part of the permit preamble pursuant to Section 72 of the *Planning and Environment Act 1987*.

## **Relevant Planning Provisions**

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

<b>Section</b>	<b>Clause</b>	<b>Provision</b>
State Planning Policy Framework	16.01 19	Residential Development Infrastructure
Local Planning Policy Framework -MSS	21.11	Infrastructure & Community
Local Planning Policy Framework - Local Planning Policy	Nil	Nil
Zones	32.01	Residential 1 Zone
Overlays	43.01 44.03	Heritage Overlay Floodway Overlay
Particular Provisions	56	Residential Subdivision
Other Relevant Provisions/Documents/Information	Nil	Nil

## **Referrals**

The application was referred to the following referral authorities:

<b>Authority</b>	<b>Section</b>	<b>Response</b>
SP AusNet	Section 55 Referral	No objection subject to standard conditions
APA Group	Section 55 Referral	No objection and no conditions
North East Catchment	Section 55	No objection and no

Authority	Section	Response
Management Authority (NECMA)	Referral	amended conditions
Telstra	Section 55 Referral	No objection subject to standard conditions
Department of Sustainability and Environment	Section 55 Referral	No response and no amended conditions
North East Water Authority	Section 55 Referral	No response and no amended conditions

### **Internal Departmental Advice**

Department	Response
Heritage Advisor	No objection and no conditions
Technical Services	No objection subject to amended conditions

### **Advertising**

The application was advertised to adjoining land owners and an advertisement was placed in the Wangaratta Chronicle. Three (3) objections were received and a conciliation meeting was held on the 14 August 2013. The issues were discussed and no resolutions were reached. The objections were not withdrawn.

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

Issue	Comment
Existing Drainage Issues	<p>Council's Technical Services department has reviewed the situation at the site in conjunction with the developer and the water authority.</p> <p>The drainage issues relate mainly to an existing dwelling at 10 Silver Wattle Drive and partly to the adjoining lot (No.8).</p> <p>Investigations have not determined the cause of the drainage problem; however, there does not seem to be any evidence of issues on the other lots in stage 1 or the remaining undeveloped land.</p> <p>Council's engineers have suggested that further development may in fact improve the existing drainage problem on the subject lots and have committed to work with the developer to ensure the future development does not impact any further on drainage into Stage 1.</p>

Issue	Comment
Increase in cars parking in street	<p>The increased lot yield is only five lots within a five staged subdivision over a 6-7 year period.</p> <p>The proposed lot sizes are all over 500m<sup>2</sup> within a traditional residential development. It is not considered that this is an unreasonable increase that would impact significantly on the existing approval.</p>
Diminished value of house	This is not a valid planning consideration.

### **Planning Assessment**

The subdivision increases the supply of housing lots in a developing urban area and provides a range of lot sizes to suit a diversity of needs. The subdivision will be fully serviced with reticulated utilities and full urban infrastructure to current standards as well as open space reserve along the creek frontage which will include a footpath/bike path connecting to existing networks.

The proposal is therefore consistent with the all the relevant provisions of the State and Local Planning Policy Framework, the purpose of the Residential 1 Zone and the provisions of the Residential Subdivision particular provision.

#### **Clause 43.01 Heritage Overlay**

The Heritage Study which introduced the overlay states the significance of this property as being;

*“The three houses in this group were part of a Government “Closer Settlement” Scheme under the Improved Small Holdings Act of 1907. The scheme was intended to provide farming opportunities for ‘people who are otherwise unable to obtain suitable land. Several properties close to Wangaratta were subdivided into 12 acre lots. These three houses are on lots which are part of a group of five 12 acre lots between the south end of Salisbury St and the One Mile Creek (which would have had permanent water then). They were part of the subdivision of Dr McCardle’s land. Under the scheme, the government provided land, a small house (3 designs available in “ant resistant wood”), stock, seed and fertilizer to start the settler, who was expected to help build the house, put up fencing and pay for the seed from the first crop sales.”*

It is considered that any heritage value afforded to this property has been significantly altered given the land has already been approved to be subdivided and the house has been significantly altered over the years.

#### **Clause 44.03 Floodway Overlay**

The amended layout does not have any further impact on the floodway and the amended application was referred to NECMA who offered no objection. The existing NECMA condition will be included, however; this condition did cause some confusion and was difficult to interpret for landowners, therefore it is

recommended that a new condition be included on the permit which requires a Section 173 Agreement in accordance with NECMA condition but also requires;

- *The installation of a single rain water tank with a minimum capacity of 3000 litres; and*
- *The tank must be connected to storm water pipes on the building (dwelling) to be constructed on the land.*

### **Conclusion**

Council can only assess the impact the amendment will have in light of the existing approval. In that regard, the existing permit could be acted upon in its current form.

It is considered that the increase from 85 to 90 lots in five (5) stages would not impact any further than the existing approved permit as the amended proposal meets the required standards of the Planning Scheme.

The demolition of the existing older dwelling is not considered to have any impact on heritage values due to the significant alterations to the dwelling and the significance relating more to the development pattern than the dwelling itself.

Council engineers have committed to work with the developer to determine the undefined drainage issue at 8 and 10 Silver Wattle Drive and ensure that any further development will not impact any further but would improve the issue.

### **Recommendation**

***That Council resolve to issue a Notice of Decision with respect to Planning Application No. 07-231b.01 for a Staged Ninety (90) Lot Subdivision and Demolition of Existing Dwelling at CA12/13 Section 1A and Lot A PS 629157 Salisbury Street, Wangaratta subject to the following conditions:***

- 1. Prior to the issue of a Statement of Compliance, for each successive stage of the development, the applicant must enter into an agreement with the Responsible Authority at the applicant's expense (in accordance with the provisions of Section 173 of the Planning and Environment Act 1987) to require each parcel of land to have a rainwater tank to mitigate storm water run-off from the development in accordance with NECMA condition 49 but in addition state:***
  - a) The agreement can be satisfied by installing a single rainwater tank with a minimum capacity of 5000 litres (in accordance with condition 19 of this permit ); and***
  - b) The tank must be connected to storm water pipes on all buildings constructed on the land.***

***It is further required that this agreement must be registered at the Office of Titles pursuant to Section 181 of the Planning and Environment Act 1987.***

- 2. Prior to the issue of a Statement of Compliance, the applicant must undertake, or cause to be undertaken, full construction of all new roads, shared paths and footpaths, drainage and related infrastructure. All the works must conform to plans and specifications prepared at the expense of the applicant by a qualified Engineer, and endorsed by the Responsible Authority prior to commencement of construction. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with the Infrastructure Design Manual (IDM), the Urban Stormwater: Best Practice Environmental Management Guidelines 2006, published by CSIRO, and all relevant permit conditions. All construction plan approvals will lapse if the Planning Permit is extended.**
- 3. The subdivision permitted by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the Responsible Authority.**
- 4. The subdivision must proceed in the numbered order (stage 1, stage 2 and stage 3) as shown on the endorsed plans unless otherwise agreed in writing by the Responsible Authority.**
- 5. The subdivision is to be serviced by common trenched underground services installed to the satisfaction of the Responsible Authority.**

### **Landscaping**

- 6. Prior to construction works commencing on the site an amended landscaping plan and specification detailing features designed to enhance the visual and environmental amenity of the subdivision is to be prepared by the applicant, and submitted to and approved by the Responsible Authority. The plan must show:**
  - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed;**
  - b) Street tree planting in accordance with Council's Tree Management Strategy (November 2007);**
  - c) Landscaping and planting within all open areas of the site; and**
  - d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, pot sizes, sizes at maturity, and quantities of each plant.**
- 7. The works detailed on the approved landscaping plans shall be completed to the satisfaction of the Responsible Authority prior to the use commencing.**

- 8. The works detailed on the approved landscaping plans shall be maintained to the satisfaction of the Responsible Authority for a period of 12 months from the date of issue of Statement of Compliance.**
- 9. Prior to the issue of Statement of Compliance for each stage, the owner/applicant to provide street trees for that stage. Street trees are to be provided and protected by the developer to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Maintenance of these trees is to be for a minimum of 12 months from the date of issue of Statement of Compliance for each stage to the satisfaction of the Responsible Authority.**
- 10. Street Lighting shall be designed and installed to the satisfaction of the Responsible Authority and in accordance with Australian Standards.**
- 11. A plan of subdivision must be lodged with the Council for certification pursuant to the Subdivision Act 1988.**
- 12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
- 13. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
- 14. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**

### **Drainage**

- 15. All storm-water runoff originating from the subject property and the adjacent catchment to the west of that property during a 5-year ARI event must be collected and conveyed by underground pipes to a legal point of discharge identified by the Responsible Authority. For this purpose, the peak discharge from the upstream catchment post-development may be assumed to be limited to 225 litres/second. Unless these pipes are located within a reserve, easements must be created in favour of the Rural City of Wangaratta to facilitate the future maintenance of the relevant assets.**

- 16. The detailed drainage design must incorporate suitable pits behind the kerb on each side of the intersection between Salisbury Street and the southern access road to which upstream flows can be transferred when the relevant catchment is developed. Should the applicant wish to provide collection pits on the western side of the road, Council may be prepared to consider making a contribution to towards the cost of that enhancement.**
- 17. Permanent overland and/or underground flood pathways must be identified or established to handle the maximum storm-water runoff that may reasonably be expected to affect the subject property in a 100-year ARI event, both at the completion of construction and in the future. For this purpose, the total discharge transferred from the upstream catchment post-development may be assumed to be limited to 465 litres/second. Unless the flood pathways are located within a reserve, appropriate easements must be created in favour of the Rural City of Wangaratta to facilitate future maintenance of the relevant assets.**
- 18. The peak discharge from and through the fully developed site in a 5-year ARI event must be limited to a level that does not exceed the peak pre-development discharge from the subject property, plus any additional discharge, up to a maximum of 225 litres/second, transferred from the upstream catchment.**
- 19. Unless other arrangements are proposed by the applicant and approved by the Responsible Authority, the applicant must enter into an Agreement under Section 173 of the Planning and Environment Act 1987 to the effect that, before a building is constructed on any lot, a rainwater tank with a minimum capacity of 5,000 litres must be installed, the overflow conveyed by underground pipes to a legal point of discharge, and the tank connected to appropriate services within the building at the earliest practicable stage of construction. The relevant agreement must be registered on the title of each Lot, and its existence noted on the endorsed construction plans.**
- 20. Unless other arrangements are proposed by the applicant and approved by the Responsible Authority, any remaining flow control required to limit peak discharge from the developed site must be provided by constructing a retardation basin, in accordance with Section 18 of the IDM, through which all discharge from the developed site is directed.**
- 21. Before construction begins, detailed drainage plans with computations must be prepared in accordance with Section 19 of the IDM, and submitted to and approved by the Responsible Authority.**
- 22. The drainage plans must incorporate measures to enhance the quality of water discharged from the site and protect downstream infrastructure and waterways by the application of water-sensitive urban design principles. All the works must be designed and constructed in accordance with Section 20 of the IDM, and to the satisfaction of the Responsible Authority.**

- 23. Prior to the issue of the Statement of Compliance for each stage of the development, temporary easements must be provided to ensure that Council has access to all drainage infrastructure essential to the operation of that stage, and all previous stages, including infrastructure that will ultimately be located in the road reserve**

**Traffic Engineering and Roads**

- 24. Salisbury Street must be designed and constructed to at least the standard of an Access Street as defined in Section 12 Table 2 of the IDM, with a minimum 7.5m carriageway, but retaining the existing 20m reserve width, from the southern-most point of the existing seal and kerb and channel, to the southern boundary of proposed Lot 78 on Plan Reference M1006 Version 15. Kerb and channel is required on the eastern side only, with an unsealed shoulder and table drain on the west.**
- 25. All internal roads must be designed and constructed to at least the standard of an Access Street, as defined in Section 12 Table 2 of the IDM, with a minimum 7.5m carriageway and a minimum reserve width of 16m. Appropriate traffic calming measures must be provided to restrict vehicle speeds in the Access Streets to the target 40kph for internal roads.**

**Kerb and Channel**

- 26. Type SM2M kerb and channel, in accordance with IDM standard drawing SD100, must be constructed along the entire frontage of each and every Lot within the development unless otherwise agreed by the Responsible Authority.**
- 27. Type B2 kerb and channel must be constructed along the frontage of each Lot accessed from Salisbury Street, and the applicant must provide, or cause to be provided, a vehicle crossing for each such Lot designed and constructed in accordance with IDM clause 12.9 and with standard drawing SD240 or SD245, as appropriate.**

**Footpaths and Shared Path**

- 28. All footpaths and pedestrian crossings must be designed and constructed in accordance with IDM Clause 13.3. Footpaths must be provided on both sides of all internal roads and on the eastern side of Salisbury Street.**
- 29. A shared path must be designed and constructed in accordance with IDM Clause 13.3, on the alignment shown in Plan Reference M1006 Version 15, to connect with the existing shared path from Cribbes Road.**
- 30. All roadways and footpaths in the development must be located above the LSIO Boundary, with all necessary measures being taken to ensure the safety of users and the long-term security of the relevant infrastructure.**



### **Staged Development**

- 31. If the applicant wishes to complete the works in stages, construction plans and specifications for each stage, including temporary works required to facilitate traffic movements once the stage is complete, must be submitted to and approved by the Responsible Authority.**
- 32. In particular, a temporary court bowl, secured by an easement of way, must be designed and constructed to the satisfaction of the Responsible Authority where Access Streets terminate at the boundary of the subject property on completion of any stage, and arrangements must be made to ensure that permanent sealed surfaces are not damaged by traffic using such a temporary court bowl.**
- 33. Unless the development of the property beyond that point commences within two years of the date upon which a Statement of Compliance is issued for the completed stage, any such court bowl must be upgraded to a permanent, sealed facility, designed and constructed to the satisfaction of the Responsible Authority. The applicant must enter a bond in favour of Council securing payment of an amount sufficient to cover the full costs of such an upgrade.**

### **Construction**

- 34. Before the works commence, a site management plan detailing the measures to be taken to control stormwater discharge and sedimentation on the site during the construction process must be submitted to, and approved by, the Responsible Authority.**
- 35. The applicant must ensure that all practicable measures are taken to maintain vehicle and machinery hygiene, and to avoid the spread of soil-borne pathogens and weed seeds.**
- 36. No excavated or construction materials may be placed or stored outside the site area or on the adjoining road reserves, except where the materials are required in connection with any road or footpath construction works in such reserves that are required as part of this permit.**
- 37. Care must be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure must be replaced, and the full cost met, by the applicant, to the specification and satisfaction of the Responsible Authority.**
- 38. All infrastructure created by this development must be maintained by the applicant for a period of 3 months following practical completion, and the applicant must thereafter accept liability for correcting defects that become evident during the following 9 months.**

- 39. For each stage, the applicant must provide the Responsible Authority with a maintenance bond equal to 5% of the civil construction costs (excluding GST). This bond will be held by the Authority until any and all defects notified to the applicant before or during the liability period have been made good to the satisfaction of the authority.**
- 40. For each stage, the applicant must pay to the Responsible Authority plan checking fees equal to 0.75% of the total civil construction costs (excluding GST) and site supervision fees equal to 2.5% of the total civil construction costs (excluding GST).**
- 41. All drains and batters, and all areas disturbed in the course of the works, must be topsoiled and seeded to establish grass cover. The reserve areas must be tidied, levelled and trimmed to a standard capable of being maintained by a small tractor and slasher.**
- 42. As-constructed drawings, in DWG or DXF format, for all civil construction works covered by the permit must be submitted to, and accepted by, the Responsible Authority. The road data must be provided in R-SPEC format and the drainage data in D-SPEC format.**
- 43. Before undertaking any works on public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.**
- 44. A plan of subdivision must be lodged with the Council for certification pursuant to the Subdivision Act 1988.**
- 45. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
- 46. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
- 47. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**

**48. This permit will expire if:**

- a) **Stage 2 is not certified under the Subdivision Act within two (2) years, Stage 3 is not certified under the Subdivision Act within four (4) years, Stage 4 is not certified under the Subdivision Act within six (6) years and Stage 5 is not certified under the Subdivision Act within eight (8) years of the date of this permit; and**
- b) **Provided (a) is complied with each stage of the subdivision must be registered with the Lands Titles Office within five (5) years of the certification date.**

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

**North East Catchment Management Authority's Conditions**

**49. Prior to the issue of a statement of compliance, for each successive stage of the development, the applicant must enter into an agreement with the Responsible Authority (in accordance with the provisions of Section 173 of the Planning and Environment Act 1987) to require each parcel of land to have a rainwater tank to mitigate storm water run-off from the development:**

- **The agreement will require the rainwater tank to be connected to the storm water pipes on the buildings constructed on the lots. The size of tanks required will be determined from the detailed "MUSIC" catchment modelling undertaken by the applicant in design of the stormwater treatment. This work must be undertaken to the satisfaction of the Responsible Authority and North East Catchment Management.**

**50. Prior to the issue of a statement of compliance for any stage of the development that contains lots 15 to 18 inclusive, approximately 820m<sup>3</sup> of fill is to be placed over the lots above flood level. In designing the placement of that fill, the applicant must demonstrate that the placement of the fill will not impact on the natural drainage of the abutting northern property. Provision for both practical and legal drainage of that property may be required:**

- **In accordance with the determinations of the "Salisbury Street Development, Wangaratta – Stage 2 Flood Study, Water Technology March 2009", the source of the fill placed on lots 15 to 18 inclusive must be the reserve adjacent to lots 17, 18, 19, and 20 to provide compensatory flood storage within the flood plain in this vicinity. This material must be extracted in a manner that blends into existing natural surface, be unlikely to cause instabilities in the bank and must cause no impact on drainage to or from the abutting northern property.**

**51. In accordance with Water Act Bylaws, a works on waterways permit must be obtained from the North East Catchment Management Authority for any works in, on or over the One Mile Creek, including the provision of services to the development and the construction of the storm water outlet to One Mile Creek:**

- All works associated with stormwater drainage from the development (to the One Mile Creek), will be required to demonstrate to the satisfaction of the Authority, through conceptual modelling and detailed design that the treatment measures meet the principles and objectives of Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999).**

**Department of Sustainability and Environment's Conditions**

**52. Prior to the commencement of subdivision works and native vegetation removal, an assessment of Net Gain requirements for the removal of the single River Red-gum located in the south-east corner of the site must be undertaken. This assessment must be consistent with Victoria's Native Vegetation Management – Framework for Action 2002 or relevant planning practice notes to the satisfaction of the responsible authority in consultation with the Department of Sustainability and Environment.**

**53. If the tree is to be removed then prior to the issue of a statement of compliance pursuant to the Subdivision Act 1988, a vegetation management plan is to be developed to the satisfaction of the Responsible Authority in consultation with the Department of Sustainability and Environment.**

**54. Offsets must commence within twelve (12) months of the approval of the vegetation offset management plan and implementation must be completed according to the schedule of works in the vegetation offset management plan to the satisfaction of the Responsible Authority in consultation with the Department of Sustainability and Environment.**

**55. Where subdivision works are undertaken in accordance with the endorsed plans all native vegetation retained on the site must not be damaged and care must be taken not to damage the root zone of retained vegetation along One Mile Creek must be planted.**

**56. All areas to be revegetated and/or landscaped along the One Mile creek must be planted with indigenous species of local provenance to Wangaratta area to the satisfaction of the Responsible Authority with advice of the department of sustainability and Environment.**

**SPI Electricity Pty Ltd's Conditions**

- 57. Enter in an agreement with SPI Electricity Pty Ltd for the supply of electricity to each lot on the endorsed plan.***
- 58. Enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.***
- 59. Enter into an agreement with SPI Electricity Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd .***
- 60. Provide easements satisfactory to SPI Electricity Pty Ltd for the purpose of "Power Line" in the favour of "Electricity Corporation" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing SPI Electricity Pty Ltd electric power cables/lines, and for any new power cables/lines required to service the lots on the endorsed plan and/or abutting land.***
- 61. Obtain for the use of SPI Electricity Pty Ltd any other easement required to service the lots.***
- 62. Adjust the position of any existing SPI Electricity Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.***
- 63. Set aside on the plan of subdivision Reserves for the use of SPI Electricity Pty Ltd for electric substations.***
- 64. Provide survey plans for any electric substations required by SPI Electricity Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. SPI Electricity Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.***
- 65. Provide to SPI Electricity Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.***
- 66. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by SPI Electricity Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.***

**67. Ensure that all necessary auditing is completed to the satisfaction of SPI Electricity Pty Ltd to allow the new network assets to be safely connected to the distribution network.**

**Country Fire Authority's Conditions**

**68. The subdivision as shown on the endorsed plan must not be altered without the consent of the CFA.**

**69. Operable hydrants, above or below ground must be provided to the satisfaction of CFA:**

**a) The maximum distance between these hydrants and the rear of all buildings envelopes (or in the absence of the building envelope, the rear of all lots) must be 120 m and hydrants must be no more than 200m apart; and**

**b) Hydrants must be identified as specified in "Identification of Street Hydrants for Firefighting purposes" available under publications on the Country Fire authority web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)).**

**70. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.**

**71. The average grade for roads must be no more than 1 in 7 (14.4%) (8.1 degrees) with the maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degrees) entry and exit angle.**

**Telstra's Conditions**

**72. That the plan of subdivision submitted for certification must be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.**

**73. Telstra will not consent to the issue of a Statement of Compliance until such time as the applicant provides satisfactory evidence of compliance with the above conditions.**

**North East Region Water Corporation's Conditions**

**74. Payment to the North East Region Water Corporation of a contribution of money (Headworks) towards the water supply system supplying the area as determined by North East Water's policy for development charges.**

**75. That the owner/applicant enters into an agreement with North East water to constructs all necessary works to provide water supply to serve all lots of the proposed subdivision, at the applicant's cost, and in accordance with the Corporation's specifications and requirements.**

- 76. Payment to North East Region Water Corporation of a contribution of money (Headworks) towards the Corporation's sewers and disposal systems serving the area as determined by North East Water's policy for development charges.**
- 77. That the owner/applicant enters into an agreement with North East Water to constructs all necessary works to provide sewerage to serve all lots of the proposed subdivision, at the applicant's cost, and in accordance with the Corporation's specifications and requirements.**
- 78. Provision of easements in favour of the North East Region Water Authority over all existing and proposed sewer mains located within the proposed subdivision.**
- 79. Ensure that any private water services do not traverse property boundaries and are supplied independently from an approved point of supply.**
- 80. The plan of subdivision submitted for certification must be referred to the Authority in accordance with Section 8 of the Subdivision Act 1988.**
- 81. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 consent must be obtained from North East Region Water Authority.**

**The motion was declared agreed by the Chair.**

### **Communication**

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

11.2.3.8 PLANNING PERMIT APPLICATION PLNAPP13/155 - USE & DEVELOPMENT OF LAND FOR A MEDICAL CENTRE AT 47-51 JOYCE WAY WANGARATTA VIC 3677

PlnApp

13/155

**Background**

Applicant:	North East Planning Plus (on behalf of Fidge /Ching)
Owner:	HAS Nominees Pty Ltd
Subject Land:	Lot 10 PS 530931 Vol 11168 Fol 266
	47-51 Joyce Way WANGARATTA VIC 3677
Zone:	Residential 1 Zone
Overlays:	Nil

**Recommendation**

Approval

**Site and Context**

The site is a vacant residential block located on the southern side of Joyce Way. The lot is 1937m<sup>2</sup> in size with a 36 metre frontage to the street. The lot is rectangular in shape and abuts residential allotments to the west, east and south. The site is flat with no vegetation (***refer attachment 1***).

The surrounding area is predominantly residential comprising single dwellings and some multi-unit development. A number of lots to the east are currently vacant. Approximately 70 metres to the west is the Greta Road intersection, with land zoned Commercial 2 Zone. There is a greater mix along Greta Road of commercial and light industrial uses.

**Proposal**

The application is for the Use and Development of a Medical Centre with associated car parking. The centre will be 'purpose built' and contain six consulting rooms, a procedure room, manager's office, records and storage areas, reception and waiting areas and staff facilities. The building itself is single level and constructed from brick with colour-bond roofing. Dimensions are approximately 23 metres by 24 metres, making it 552 m<sup>2</sup> in size.

There are 23 car spaces on-site, with provision for ambulance parking, patient drop-off and pick-up and unloading of service vehicles. Some landscaping is also proposed. Vehicle access is from the eastern end of the site to Joyce Way (***refer attachment 2***).

The proposed hours of operation of the centre are 8am to 6pm, seven days a week. Operation on a Sunday is likely to be limited to once a month, on a rotation basis with other medical practices in Wangaratta.



### **Planning Permit Trigger**

- Clause 32.01 – Use and Development of a Medical Centre (Residential 1 Zone)

### **Relevant Planning Provisions**

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

Section	Clause	Provision
State Planning Policy Framework	17.01-1	Business
Local Planning Policy Framework -MSS	21.06	Urban Development and Central Activities Area
Local Planning Policy Framework - Local Planning Policy	22.05-2	Medical Centres
Zones	32.01	Residential 1 Zone
Particular Provisions	52.06	Car Parking

### **Referrals**

The application was not referred to any external referral authorities.

### **Internal Departmental Advice**

Department	Response
<b>Technical Services</b>	<p>Following a request for further information, no objection to the proposal subject to conditions:</p> <ol style="list-style-type: none"> <li>1. Prior to the commencement of the use, all storm-water runoff originating from, or currently flowing through, the developed site in a 10-year ARI event must be collected and conveyed by underground pipes to a legal point of discharge identified by the Responsible Authority.</li> <li>2. Prior to the commencement of the use, all storm-water runoff originating from, or currently flowing through, the developed site in a 100-year ARI event must be collected and conveyed by secure overland and/or underground flood pathways to a legal point of discharge identified by the Responsible Authority.</li> </ol>

Department	Response
	<p>3. Prior to construction commencing on the site:</p> <ul style="list-style-type: none"> <li>a. a detailed drainage plan with computations, incorporating provision for sufficient on-site detention to limit the peak outflow to 12 litres/second unless proven otherwise, must be prepared in accordance with Clause 19 of Council's Infrastructure Design Manual [IDM], and be approved by the Responsible Authority; and</li> <li>b. stormwater drainage plans for the development must incorporate measures to enhance the quality of water discharged from the site and to protect downstream infrastructure and waterways.</li> </ul> <p>4. Prior to the commencement of the use, a 2.5m wide easement for the purpose of future Council underground drainage infrastructure along the entire eastern boundary of the subject land must be created in favour of the Rural City of Wangaratta.</p> <p>5. Prior to the commencement of the use, all drainage infrastructure required by the proposed development must be constructed in accordance with plans and specifications approved by the Responsible Authority.</p> <p>6. Prior to the commencement of the use, in accordance with Clause 14 of Council's Infrastructure Design Manual [IDM], the parking requirements for all normal levels of activity associated with the proposed facility must be accommodated on site. All parking areas and vehicle access routes for staff and clients must be sealed and line-marked, and any internal carriageway intended to carry vehicles travelling in opposite directions must be at least 6m wide. The pavement design must take account of the loading associated with traffic concentrations and turning movements by vehicles up to and including 8.8m in length.</p> <p>7. Prior to the commencement of the use, all parking areas and access routes must be provided with appropriate lighting in accordance with the relevant Australian Standards, including the current issue of AS/ANZ 1158 – Lighting for</p>

Department	Response
	<p>Roads and Public Spaces.</p> <p>8. Prior to the commencement of the use, an industrial vehicle crossing in reinforced concrete must be constructed to provide access to Joyce Way, in accordance with Council's IDM Standard Drawing SD 250, and to the satisfaction of the Responsible Authority.</p> <p>9. Vehicles up to and including a standard 8.8m service vehicle must be able to enter and leave the subject property in a forwards direction at all times. Except as provided for in Condition 10, all loading and unloading must take place within the curtilage of the subject property.</p> <p>10. Prior to the commencement of the use, the applicant must provide adjacent to the subject property along Joyce Way appropriate signage and line-mark a section of that shoulder to provide a loading bay for vehicles larger than 8.8m that may, from time to time, be required to deliver equipment or consumables to the property.</p> <p>11. Prior to the commencement of the use, all footpaths and pedestrian crossings which connect directly to Council footpaths must be designed and constructed in accordance with IDM Clause 13.3.</p> <p>12. Prior to the commencement of the use, all buildings, car parking and access ways as shown on the endorsed plan(s) must be constructed, sealed and drained to the satisfaction of the Responsible Authority.</p> <p>13. A "Consent to Work within a Road Reserve" permit must be obtained prior to commencing any work within public road reserves.</p> <p>14. Before the works commence, a site management plan detailing the measures to be taken to control stormwater discharge and sedimentation on the site during the construction process must be submitted to, and approved by, the Responsible Authority.</p>

Department	Response
	<p>15. The applicant must ensure that all practicable measures are taken to maintain vehicle and machinery hygiene, and to avoid the spread of soil-borne pathogens and weed seeds.</p> <p>16. No excavated or construction materials may be placed or stored outside the site area or on the adjoining road reserves, except where the materials are required in connection with any road or footpath construction works in such reserves that are required as part of this permit.</p> <p>17. Care must be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure must be replaced by the applicant, at the applicant’s cost, to the specification and satisfaction of the Responsible Authority.</p>

**Advertising**

The application was advertised to adjoining land owners and an advertisement was placed in the Wangaratta Chronicle. One objection was received. A conciliation meeting was proposed, but cancelled as there was no response from the objector.

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

Issue	Comment
<p><b>Traffic and car parking</b></p>	<p>Concern is raised that cars will park on the street creating a hazard and reducing visibility for residents as they leave their properties.</p> <p>The proposal includes an adequate amount of on-site car parking to accommodate staff and visitors to the centre. Clear signage should be provided to direct patients to park on site, rather than on the street. This can be a condition of permit.</p>

Issue	Comment
<p><b>Noise from centre and construction</b></p>	<p>Concern is raised about noise from construction of the centre, as well as cars moving around on the weekends. The objector's husband is a shift worker, therefore values quiet during the day.</p> <p>It is reasonable to expect some noise during construction of the centre. This will be a temporary inconvenience and can be managed through appropriate legislation that stipulate hours of operation (ie. Environment Protection Act).</p> <p>Operation during the weekend is a valid planning consideration. Council's Medical Centre policy stipulates that hours of operation in residential areas should be limited to commonly accepted business hours. In this case, operation on a Sunday should not generally be supported. If, as the applicant advises, this will occur only once a month, it is possible to condition the permit accordingly.</p>
<p><b>Attraction for drug addicts</b></p>	<p>Concern is raised that a medical centre in this location will attract people with drug addiction to the area, making the streets unsafe.</p> <p>There is no evidence to suggest that medical centres in other parts of town attract people with drug dependence. This is not considered a valid planning concern.</p>

### **Planning Assessment**

#### **State Planning Policy Framework (SPPF) Clause 17.01-1 Business**

The proposal is consistent with the objective of this clause being to encourage development which meets the communities' needs for retail and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

The provision of a medical centre in an area with no access to medical services is of benefit to the local community. The proposed site is on the edge of a commercial precinct along Greta Road, and is in close proximity to a proposed commercial development including a supermarket immediately to the south of the subject land.

**Local Planning Policy Framework (SPPF)****Clause 21.06 Urban Development and Central Activities Area**

Whilst this clause relates specifically to medical centres adjacent the public and private hospitals, the sentiment to ensure potential amenity conflicts with residential uses are minimised and that car parking requirements do not conflict with residential car parking and traffic flows is relevant here.

The proposal is a purpose built, new building with proposed landscaping and on-site car parking. If operating hours are limited on Sundays to once a month for the purpose of providing emergency services, the impact on the surrounding residential area should be acceptable.

**Clause 22.05-2 Medical Centres**

The objective of this local planning policy is to achieve well designed, quality medical centres, which are suitably located and do not have a negative impact on residential amenity.

The proposal is consistent with this policy, except for the proposed hours of operation. Proposed hours of 8am to 6pm seven days a week are not considered acceptable in this residential location. As the applicant has advised that the Sunday trading is based on a roster of clinics providing out of hours care, it is appropriate to condition this operation to once a month and limit hours to 10am to 1pm. Similarly, it is appropriate to reduce hour on Saturdays to 9am to 5pm.

To ensure the centre fits within the residential streetscape and is of high quality appearance, it is appropriate to condition any permit to require landscaping details.

**Zone – Clause 32.01 Residential 1 Zone**

The use of the land as a Medical Centre is a section 2 use (permit required), therefore Council must consider if the use is suitable for the site and surrounding area.

Given the modest scale of the centre and the provision of adequate on-site parking, the proposal is considered to meet the objectives of the zone. The purpose of the Residential 1 Zone includes allowing a limited range of non-residential uses to serve local community needs. This proposal provides an important community service in an area with poor access to medical services.

**Particular Provisions****Clause 52.06 Car Parking**

The application proposes 23 on-site car spaces with provision for ambulance parking and unloading of service vehicles. The parking provisions require a minimum of 20 on-site car spaces, based on 5 spaces for one practitioner, and 3 spaces for every subsequent practitioner. The layout has been assessed by Council's Technical Services Department, and subsequently modified to achieve suitable turning circles for an ambulance and larger vehicles.

## **Provision of Drainage Easement**

In assessing the application, Council's Technical Services Department has determined that a 2.5 metre wide drainage easement should be provided along the eastern boundary of the subject site. The applicant was requested to revise the site plan to show this easement, and a condition has been requested by Technical Services to this effect.

Upon detailed assessment, it is apparent that the easement is largely for future drainage works that relate to drainage issues in surrounding land. Whilst provision of the easement by the applicant will make compliance with other drainage conditions easier, it is by no means a mandatory requirement. It is recommended, therefore, that the condition requiring the easement not be included on any permit issued and the reference to it in revised plans be removed. The requirement is beyond the scope of the application before Council.

## **Conclusion**

The application to use and develop land for a purpose-built medical centre for six practitioners is consistent with State and local planning policy. The centre will provide an important community service in a largely residential area without access to medical services. The centre provides adequate on-site car parking to accommodate visitors and staff. With appropriate controls over the hours of operation to minimise impacts on surrounding residences, the centre will be of significant benefit to the local community. It is recommended, therefore, that the proposal be supported subject to conditions.

## **Recommendation**

***That Planning Permit Application No. PlnApp13/155 for Use and Development of a Medical Centre at 47-51 Joyce Way, Wangaratta, be approved and that a Notice of Decision to Grant a Permit (NOD) be issued subject to the following conditions:***

- 1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***
- 2. Except with the prior written consent of the Responsible Authority, the use may operate during the following hours:***
  - a) 8am to 6pm Monday to Friday;***
  - b) 9am to 5pm Saturday; and***
  - c) 10am to 1pm Sunday (no more than one Sunday every four weeks).***

3. ***Prior to the commencement of development, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:***
  - a) ***details of surface finishes of pathways and driveways; and***
  - b) ***a planting schedule of all proposed trees, shrubs and ground covers.***
4. ***Prior to commencement of the use, the works detailed on the approved landscaping plans must be completed to the satisfaction of the Responsible Authority.***
5. ***Prior to the commencement of the use, a sign/signs to the satisfaction of the Responsible Authority must be provided directing drivers to the areas set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority.***
6. ***Prior to the commencement of the use, all storm-water runoff originating from, or currently flowing through, the developed site in a 10-year ARI event must be collected and conveyed by underground pipes to a legal point of discharge identified by the Responsible Authority.***
7. ***Prior to the commencement of the use, all storm-water runoff originating from, or currently flowing through, the developed site in a 100-year ARI event must be collected and conveyed by secure overland and/or underground flood pathways to a legal point of discharge identified by the Responsible Authority.***
8. ***Prior to construction commencing on the site:***
  - a) ***a detailed drainage plan with computations, incorporating provision for sufficient on-site detention to limit the peak outflow to 12 litres/second unless proven otherwise, must be prepared in accordance with Clause 19 of Council's Infrastructure Design Manual [IDM], and be approved by the Responsible Authority; and***
  - b) ***stormwater drainage plans for the development must incorporate measures to enhance the quality of water discharged from the site and to protect downstream infrastructure and waterways.***
9. ***Prior to the commencement of the use, all drainage infrastructure required by the proposed development must be constructed in accordance with plans and specifications approved by the Responsible Authority.***



- 10. Prior to the commencement of the use, in accordance with Clause 14 of Council's Infrastructure Design Manual [IDM], the parking requirements for all normal levels of activity associated with the proposed facility must be accommodated on site. All parking areas and vehicle access routes for staff and clients must be sealed and line-marked, and any internal carriageway intended to carry vehicles travelling in opposite directions must be at least 6m wide. The pavement design must take account of the loading associated with traffic concentrations and turning movements by vehicles up to and including 8.8m in length.**
- 11. Prior to the commencement of the use, all parking areas and access routes must be provided with appropriate lighting in accordance with the relevant Australian Standards, including the current issue of AS/ANZ 1158 – Lighting for Roads and Public Spaces.**
- 12. Prior to the commencement of the use, an industrial vehicle crossing in reinforced concrete must be constructed to provide access to Joyce Way, in accordance with Council's IDM Standard Drawing SD 250, and to the satisfaction of the Responsible Authority.**
- 13. Vehicles up to and including a standard 8.8m service vehicle must be able to enter and leave the subject property in a forwards direction at all times. Except as provided for in Condition 12, all loading and unloading must take place within the curtilage of the subject property.**
- 14. Prior to the commencement of the use, the applicant must provide adjacent to the subject property along Joyce Way appropriate signage and line-mark a section of that shoulder to provide a loading bay for vehicles larger than 8.8m that may, from time to time, be required to deliver equipment or consumables to the property.**
- 15. Prior to the commencement of the use, all footpaths and pedestrian crossings which connect directly to Council footpaths must be designed and constructed in accordance with IDM Clause 13.3.**
- 16. Prior to the commencement of the use, all buildings, car parking and access ways as shown on the endorsed plan(s) must be constructed, sealed and drained to the satisfaction of the Responsible Authority.**
- 17. A "Consent to Work within a Road Reserve" permit must be obtained prior to commencing any work within public road reserves.**
- 18. Prior to the commencement of the development, a site management plan detailing the measures to be taken to control stormwater discharge and sedimentation on the site during the construction process must be submitted to, and approved by, the Responsible Authority.**
- 19. The applicant must ensure that all practicable measures are taken to maintain vehicle and machinery hygiene, and to avoid the spread of soil-borne pathogens and weed seeds.**

- 20. No excavated or construction materials may be placed or stored outside the site area or on the adjoining road reserves, except where the materials are required in connection with any road or footpath construction works in such reserves that are required as part of this permit.**
- 21. Care must be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure must be replaced by the applicant, at the applicant's cost, to the specification and satisfaction of the Responsible Authority.**
- 22. This permit will expire if one of the following circumstances applies:**
- a) the development and use are not commenced within two years from the date of this permit;**
  - b) the development is not completed within four (4) years from the date of this permit; and**
  - c) If commenced within two years, the use is then discontinued for a period of two years.**

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

**The motion was declared agreed by the Chair.**

### **Communication**

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

## **11.2.4 COMMUNITY WELLBEING**

### **11.2.4.1 REVISION OF WANGARATTA CHILDREN'S SERVICES LONG DAY CARE FEE STRUCTURE 2013/2014**

Children's Services

64.035.004

#### **Introduction**

Wangaratta Children's Services Centre is a Council business unit delivering Long Day Care, Family Day Care and a Kindergarten program in the Rural City of Wangaratta and surrounding districts. This report seeks Council's approval of the attached schedule of Long Day Child Care service fees for introduction from 1 January 2014 (*refer attachment*).

#### **Background**

The Australian Government, in partnership with all state and territory governments, is making significant changes through the introduction of the National Quality Framework. The early years of life are recognised as being a crucial time of physical and psychological development when key learning and skill development for later life occurs. Development is at its most rapid during the pre-school years while the early years of school set the foundations for future learning.

The National Quality Framework will ensure that all childhood education and care across Australia meets new compulsory National Quality Standards. The reform has set clear standards to be met by services in the critical areas of education, health and safety, and comprehensive information for families, thus ensuring all children across Australia receive high quality and consistent early childhood education and care.

As part of the National Quality Framework, the following changes are being implemented:

- Increased staff-to-child ratios;
- Increase of staff qualification requirements ;
- A new compulsory quality rating system; and
- The establishment of a new National Body

The Long Day Care component of the Wangaratta Children's Services Centre operates 5 days a week, 50 weeks a year from 6.45am – 6.15pm. Changes to staff / child ratios and qualification upgrades will be phased in over several years.

#### **Issues**

The Long Day Care component of the Wangaratta Children's Services Centre is aiming to achieve a cost neutral budget for the 2013/2014 financial year, which requires a mid-financial year fee increase of between 2.9%-4.3% (depending on type of care required). This equates to a rise of \$10.00 or less per week (see

attached proposed fee increases). These proposed fees will bring the Centre in line with other Child Care Centres within the Rural City of Wangaratta.

The revision of fees has become necessary due to staffing changes since July 2013, including the conversion of a large percentage of our casual staff to permanent part time as per the conditions of the Victorian Local Authorities Award 2001.

### **Implications**

If the above complexities are not addressed in the New Year, there will be a potential deficit of approximately \$200,000 to the service for the 2013/2014 financial year.

### **Conclusion**

The final construction stage of the Wangaratta Children's Services Centre this year will see a unique co-location of children's services available to Wangaratta families through Long Day Care, Family Day Care, Kindergarten, Maternal and Child Health, and specialist children's services Noah's Ark and Scope. The provision of these services through a single point of entry, with shared staff facilities, a joint governance structure, and shared culture of child and family focused services will result in a totally integrated service environment.

To ensure the Long Day Care component of the Children's Services Centre continues to operate on a cost-neutral basis, it is recommended the attached service fees schedule be approved for implementation from the 1<sup>st</sup> January 2014.

### **Recommendation**

***That Council resolves to approve:***

- 1) the attached schedule of service fees for the Long Day Care component of the Wangaratta Children's Services Centre; and***
- 2) the introduction of these approved Long Day Care fees from the 1<sup>st</sup> January 2014.***

***The motion was declared agreed by the Chair.***

### **Communication**

Community members and clients of the Wangaratta Children's Services Centre will be notified of the new schedule of services fees via regular newsletters in the lead up to the 1 January 2014 introduction.

#### 11.2.4.2 HIGH COUNTRY LIBRARY CORPORATION REGIONAL AGREEMENT

Agreement – High Country Library Corporation

DEED / 1494

##### Introduction

The High Country Library Corporation is a Regional Library service formed in 1996 in accordance with Section 196 of the *Local Government Act 1989* between Alpine Shire Council, Benalla Rural City Council, Mansfield Shire Council, and the Rural City of Wangaratta.

This report seeks Council's endorsement of recommended changes to the High Country Library Corporation Regional Agreement.

##### Background

The Rural City of Wangaratta is party to the High Country Library Corporation Regional Agreement, which sets out the parameters within which the Corporation may operate; establishes an obligation to comply with the relevant sections of the *Local Government Act 1989* and Corporations law; and prescribes a number of key reporting and operating requirements.

The High Country Library Corporation Board comprises a Councillor, and a Council Officer or Community Representative from each municipality. The Board Chair Person is Cr. Jan Vonarx, Deputy Mayor of Alpine Shire.

Mr. Michael O'Sullivan is currently the Rural City of Wangaratta's Community Representative on the Board.

##### Issues

According to Clause 15 of the High Country Library Corporation Regional Agreement, the four member Councils and the Board are required to review the Agreement every five years. The Agreement was last amended in 2007.

The Board has invited Council to review the current Agreement (***refer attached***) and requested Council's approval of the following recommended changes endorsed by the Board on 21 October 2013:

- Recitals B. Addition of the wording "*Following de-amalgamation of the Shire of Delatite in 2002*";
- Recitals C. Inclusion of "*The Agreement was further reviewed in 2007, with approval being granted by the Minister administering the Local Government Act 1989 by a notice being published in the Victorian Government Gazette on 27 March, 2008*" to complete the history of the Agreement;
- 3.1 (a) Amend to include the appointment of an Administrator in place of a Councillor – "*one Councillor or State Government appointed Administrator appointed by each council*";

- 3.2 Amended to include the appointment of an Administrator in place of a councillor – “*may appoint a Councillor or Administrator to act as a deputy in place of its Councillor or Administrator representative*” to conform with changes to 3.1 (a); and
- Include a new clause 3.8 “*A Council may determine the period of appointment of a community representative*” as there is no reference to a term of office for a community representative in the Agreement.

## **Implications**

### **Corporate Plan Objectives**

High Country Library Corporation Board membership contributes to the achievement of Council Plan 2013-2017 Objective 2.4: To make a significant contribution to the arts, cultural, social and economic wellbeing of the community. Ensure participation and access for all.

Board membership also assists in the implementation of Action 2.4.2.1: Provide facility based and outreach library services that can be accessed by all residents through the High Country Library Corporation.

### **Community Outcomes**

The High Country Library Corporation Board is focused on providing every member of the communities it serves free access to resources, information and programs that promote reading, learning and social interaction. The *Wangaratta Library Strategic Plan* builds on the universal priorities adopted by public libraries around the world:

- Social inclusion – libraries play a critical role in reducing disadvantage and barriers to social inclusion. Often the library is the first port of call for a person who is new to a township or city or wishing to make social contact within a community;
- Technology and innovation – the internet has expanded access to a mass of online and electronic information. Libraries help people bridge the digital divide via free access to wireless internet service in a safe environment. As e-books become commonplace, a library’s collection will become increasingly digital;
- Reading and information literacy – Libraries are a haven for those who take pleasure in reading. Public libraries’ contribution to reader development precedes, underpins and complements literacy outcomes from school education. Libraries also have a role in supporting adult literacy and building information literacy skills;

- Community engagement – Local councils, and government at all levels, recognise the need to develop and nurture more inclusive integrated and resilient communities. The public library is one of the last remaining freely accessible public services. Libraries provide places and spaces in which local communities can meet, exchange ideas and retain their local history and cultural identity; and
- Lifelong learning – The wellbeing of individuals and their ability to participate in a knowledge-based society and economy depends on a good basic education and constant acquisition of new knowledge and skills. In the 21st century, learning is not confined to a period of formal education at the beginning of life. It is formal informal, personal, employment-linked, recreational and lifelong.

### Financial Impact

Member Councils contribute funds annually to the High Country Library Corporation to provide public library services across their respective municipalities. A service and funding agreement specifies the base [i.e. minimum] level of services and standards to apply across the region, as well as council specific arrangements for added and / or modified services.

This operational agreement translates into action the underlying principles and objectives of the Regional Agreement.

### Recommendation

***That Council resolve to endorse the following changes recommended by the High Country Library Corporation Board at its 21 October 2013 meeting:***

- 1. In Recitals B add the wording “Following de-amalgamation of the Shire of Delatite in 2002”;***
- 2. In Recitals C. include the wording, “The Agreement was further reviewed in 2007, with approval being granted by the Minister administering the Local Government Act 1989 by a notice being published in the Victorian Government Gazette on 27 March, 2008”;***
- 3. Amend 3.1 (a) to read “one Councillor or State Government appointed Administrator appointed by each Council”;***
- 4. Amend 3.2 to read “may appoint a Councillor or Administrator to act as a deputy in place of its Councillor or Administrator Representative”; and***
- 5. Include a new clause 3.8 “A Council may determine the period of appointment of a Community Representative”.***

***The motion was declared agreed by the Chair.***

**Communication**

Once all member Councils agree to the revisions, a new version will be circulated for signature and seal prior to the submission to the Minister for Local Government.



### 11.2.4.3 SECTION 86 SPECIAL COMMITTEES OF COUNCIL– COMMITTEE MEMBERSHIP APPOINTMENTS

Special Committees

10.020.008

#### **Introduction**

Further to the 'Special Committees of Council – Committee membership appointments' reports presented to the 16 July 2013 and 17 September Council meetings, a further Committee nomination has been received. This report is to seek Council's endorsement of a nomination for one of the Rural City of Wangaratta's Section 86 Special Committees.

#### **Background**

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

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

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

#### **Issues**

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

Further nominations for a number of Special 86 Committees were received after the closing date, and following the original report submitted to the 16 July Council meeting and subsequent report on 17 September 2013.

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

This report addresses nominations received after 17 September 2013. As further Special Committee nominations are received these will be provided to Council for endorsement in a future report(s).

## **Implications**

### **Council Plan Outcomes**

The Special Committees of Council are responsible for the management, promotion and maintenance of the facilities under their control. These responsibilities are consistent with the *Rural City of Wangaratta Council Plan 2013-2017* Objective 4.1 'To plan for and provide infrastructure appropriate to the community's needs'.

### **Policies**

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

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

### **Sustainability**

The responsibilities delegated to the Special Committees results in a greater exchange of information between the Committee and Council, as well as awareness of community needs and the condition of facilities managed on Council's behalf. Committees also facilitate increased community use of facilities through regular promotion.

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

### **Community Engagement**

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

## **Conclusion**

As a consequence of this Committee nomination, one additional recommendation is proposed. Further community and user group nominations received following this process will be addressed in a future Council report.

## **Recommendation**

***That Council resolves to appoint the following person as a member of the Bowmans-Murmungee Memorial Hall and Tennis Reserve Special Committee for a period of one (1) year from 1 August 2013 to the 31 July 2014:***

***Bowmans/Murmungee Tennis Club***

***H. Brown***

***The motion was declared agreed by the Chair.***

## **Communication**

The nominee will be notified of the outcome of the appointment process by letter.

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

The newly appointed member will receive information regarding the responsibilities related to being a Section 86 Special Committee Member.

## 11.2.5 INFRASTRUCTURE SERVICES

### 11.2.5.1 NAMING OF ROADS WITHIN THE WANGARATTA CEMETERY

Place/Road Naming

73.020.014

#### Introduction

This report outlines the process undertaken for naming of roads within the Wangaratta Cemetery.

#### Background

During 2012 the Place Naming Committee has been investigating the naming of all roads within the Wangaratta Cemetery for directional purposes. A sub-committee was formed and have been researching proposed names using appropriate themes and significant features at the Cemetery.

The naming of roads within the Wangaratta Cemetery will assist Cemetery staff when directing people within the Cemetery and also for emergency services purposes. It is planned that a map be prepared for display at the Cemetery office in the future.

A proposal to recognise the 2/24 Battalion by naming the main entrance as 2/24 Battalion Drive was considered by Council at its September 2012 meeting and approved following an advertising period at the meeting held on 20 November 2012.

Two themes recognising features within the Cemetery were used for the proposed names for other roads as follows:

1. Common names of trees within the Cemetery; and
2. Lawn/grass types.

At the Council meeting held on 19 February 2013, Council resolved to advertise its intention to name the roads within the Wangaratta Cemetery as follows and on the attached map (***refer attachment***):

Pepper Tree Drive	Sheoak Drive
Callistemon Drive	Schinus Way
Clover Drive	Hakea Way
Lawn Circuit	Corymbia Way
Arbor Way	Correa Circuit
Rye Way	
Illawarra Drive	
Kikuyu Way	

The two themes used provide scope for the naming of future roads within the cemetery as it expands over time.

Two submissions were received during the advertising period.

One submission queried why “Sheoak” was proposed instead of the Botanical name of “Casuarina”. The name Casuarina was preferred by the Place Naming Committee but was found to be a duplicate in the municipality and under the Guidelines for Geographic Names and Council policy is not allowed. Therefore the name Sheoak was proposed.

The other submission queried the use of the same plant type (ie. Pepper Tree and Schinus) and suggested Australian Plant names grown on the Wangaratta Common be used.

The submissions were considered by the Place Naming Committee meeting held on 21 August 2013. The Committee recommended keeping the proposed names as advertised in keeping with the proposed themes.

The Wangaratta Cemetery Trust considered the naming proposal at its meeting held on Thursday 26 September 2013, and the Administrator resolved as follows:

“The Administrator declared the following motions Carried.

Recommendation:

1. That the Cemetery Trust endorse the following:
  - a) Proposed Fees and Charges;
  - b) Wangaratta Public Cemetery Plan of Management; and
  - c) Proposed naming of roads within the Wangaratta Cemetery”

### **Implications**

#### **Council Plan Outcomes**

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

#### **Policies**

Policy for Naming Roads, Streets and Other Accessways.

### **Conclusion**

The Place Naming Committee recommends that Council name the roads within the Wangaratta Cemetery as per the above list and attached map.

**Recommendation**

***That Council resolve to name the roads within the Wangaratta Cemetery as follows and shown on the attached map:***

***Pepper Tree Drive***

***Callistemon Drive***

***Clover Drive***

***Lawn Circuit***

***Arbor Way***

***Rye Way***

***Illawarra Drive***

***Kikuyu Way***

***Correa Circuit***

***Sheoak Drive***

***Schinus Way***

***Hakea Way***

***Corymbia Way***

***The motion was declared agreed by the Chair.***

**Communication**

The Geographic Names Registrar will be advised of Council's resolution.

### 11.2.5.2 NAMING OF RESERVE AT TONE ROAD, WANGARATTA

Place/Road Naming

73.020.014

#### **Introduction**

This report provides details of feedback received following advertising the proposal to name a reserve at Tone Road, Wangaratta as the “Percy Tippet Reserve”.

#### **Background**

A letter received from the Wangaratta RSL Sub-Branch Inc. seeking the naming of a reserve beside the rail overpass at Tone Road, Wangaratta in recognition of Percy Tippet and recommendation of the Place Naming Committee was considered by Council at its ordinary meeting held on 17 September 2013. The location of the Reserve is shown in red on the map below:



At the 17 September meeting, Council resolved as follows:

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

The Tippet family have been associated with Wangaratta for more than 100 years.

The proposal was advertised in the Wangaratta Chronicle and on Council's website seeking feedback by close of business on Wednesday 30 October 2013.

No objections to the proposal were received by the close of the advertising period.

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

### **Implications**

#### **Council Plan Outcomes**

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

#### **Policies**

Policy for Naming Roads, Streets and other Accessways.

### **Conclusion**

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

The Place Naming Committee therefore recommends that Council resolve to name the reserve as shown on the location map above as the "Percy Tippet Reserve".

### **Recommendation:**

***That Council resolve to name the reserve as shown on the location map above as the "Percy Tippet Reserve".***

***The motion was declared agreed by the Chair.***

### **Communication**

The Geographic Names Registrar will be advised of Council's resolution.



### 11.2.5.3 CONTRACT NO C1314/006 – CONCRETE CRUSHING, BOWSER LANDFILL

Concrete Crushing, Bowser Landfill

30.075.006

#### **Contract Details**

This is a schedule of rates contract for the crushing of bulk concrete at two sites:

1. Bowser East (old landfill). Estimated quantity 4,000 m<sup>3</sup>.
  - There is urgency for this task as the current bulk concrete on site is delaying final rehabilitation of the landfill (concrete not stockpiled); and
2. Bowser West (current landfill). Estimated quantity 6,000 m<sup>3</sup>.
  - Bulk concrete is stockpiled ready for crushing.

Tenders for the schedule of rates contract for Concrete Crushing at the Bowser Landfill were invited through advertisements as follows:

<u>Newspaper</u>	<u>Date</u>
Wangaratta Chronicle	30 August 2013

Also electronically:

Tenderlink	23 August 2013
------------	----------------

Tender closed at 2.00pm on Thursday, 26 August 2013.

There was a no pre-tender meeting for this contract.

#### **Evaluation Panel**

The evaluation panel for this tender comprised Council's Manager – Technical Services, Senior Engineer Contracts and Waste Management Co-ordinator.

#### **Tenders Received**

Eight tenders were received as follows:

Tenderer
Eco Crushing P/L
GA Cheshire & Sons
Yarrowonga Earthmoving & Garden Supplies
Lindsay Earthmoving P/L
Lima South Quarry P/L
Mansfield Constructions P/L
Local- Mix Quarries
Paul Volk Contracting P/L

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

### **Tender Evaluation**

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

Criteria	Description	Weighting
Tender Price	Price	50%
Previous Performance	Previous Performance	30%
Availability	Capability to provide product within time frame required	10%
OHS systems	Safety Record	10%
	Total	100%

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

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

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

Tenderer	Score
Ecocrete Crushing Pty Ltd	50
GA Cheshire & Sons	51
Yarrowonga Earthmoving & Garden Supplies	53
Lindsay Earthmoving Pty Ltd	65
Lima South Quarry Pty Ltd	61
Mansfield Constructions Pty Ltd	58
Local-Mix Quarries Pty Ltd	70
Paul Volk Contracting Pty Ltd	82

The higher value reflects the more favourable assessment. From this method of assessment, Paul Volk Contracting Pty Ltd was deemed to be the preferred tenderer.

### **Budget Considerations**

The available budget for the contract is \$150,000 (ex GST).

The contract has scope to be extended to a second year, and may be extended if further funds are available in the 2014/15 financial year.

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

### **Conclusion**

The tender of Paul Volk Contracting P/L is the lowest priced of all tenders and scored highest under the Weighted Attribution Method.

The tender of rates submitted by Paul Volk Contracting P/L is therefore considered to offer the best value of all bids submitted.

It is recommended that the tender from Paul Volk Contracting P/L be accepted and the concrete crushing works program limited to the available budget of \$150,000 (excl GST), \$165,000 (incl GST).

### **Recommendation**

***That Council resolves to:***

- 1. award Contract C1314-006 for Concrete Crushing, Bowser Landfill to Paul Volk Contracting P/L, based on their schedule of rates;***
- 2. authorise the Chief Executive Officer to sign and seal all relevant Contract C1314-006 documents when available; and***
- 3. disclose the contract price of \$165,000 inclusive of GST, for Contract C1314-006.***

***The motion was declared agreed by the Chair.***

#### 11.2.5.4 CONTRACT C1314-015 FOR THE SUPPLY OF A WASTE COMPACTOR TRUCK

C1314-015

30.072.029

#### **Contract Details**

Contract C1314/015 is for the supply of a 22 Cubic Metre Side Loading Waste Compactor to handle 120, 140 and 240 Litre Mobile Garbage Bins.

The purchase is part of the Council's ongoing fleet replacement program.

This acquisition program for the Waste Compactor Truck was conducted under the Municipal Association of Victoria (MAV) Procurement Contract BUS229-0712; Truck Bodies and Trailers, and the MAV Procurement Contract BUS198-0410; Trucks, Vans and Buses.

The MAV process is a group aggregation tender / contract which we are qualified to use. This process fully complies with Council's Procurement Policy and the tendering provisions of the Local Government Act.

#### **Quotation Dates**

Request for quotations was made to the full panel of vendors on the MAV approved list and was posted on 16 August 2013. The closing date for the quotations was 6 September 2013.

There was no pre tender meeting for this contract.

#### **Tender Evaluation Panel**

The tender evaluation panel comprised Council's Manager – Projects & Contracts, Supervisor – Depot Workshops and Manager – Facilities and Open Spaces.

#### **Tenders Received**

Six tenders were received as follows:

<b>Tender</b>
Blacklocks - Isuzu Macdonald Johnston
Blacklocks - Iveco Macdonald Johnston
CMV Wodonga - Volvo Macdonald Johnston
Superior Pak Seaford - Dennis Eagle Superior Pak
Twin City Trucks - DAF Pendpak
Macdonald Johnston - DAF Macdonald Johnston

## Tender Evaluation

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

Criteria	Weighting
Price	35%
Service and Maintenance	25%
Warranty	20%
Features and OH&S	10%
Fuel efficiency and emissions standard	10%
<b>Total</b>	<b>100%</b>

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

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

Summary of the Weighted Attribution Method Score is as follows:

Tenderer	Score
Blacklocks - Isuzu Macdonald Johnston	65
<b>Blacklocks - Iveco Macdonald Johnston</b>	<b>69</b>
CMV Wodonga - Volvo Macdonald Johnston	66
Superior Pak Seaford - Dennis Eagle Superior Pak	56
Twin City Trucks - DAF Pendpak	60
Macdonald Johnston - DAF Macdonald Johnston	64

The higher value reflects the more favourable assessment. From this method of assessment, Blacklocks - Iveco Macdonald Johnston was deemed to be the preferred tenderer.

### **Budget Considerations**

The amount allocated in the plant replacement budget for the replacement of the Waste Compactor Truck is as below:

<b>Purchase Budget</b>	
Allocated Funds in Budget (ex GST)	\$375,000
Preferred Tender (ex GST)	\$363,200
Preferred Tender (inc GST)	\$398,448

### **Conclusion**

The Iveco MacDonald Johnston unit as tendered by Blacklocks scored the highest in the evaluation. It was the second lowest tendered price and scored well in all the other attributes. The Council has an existing fleet of four Iveco Johnston MacDonald units and so there is an excellent and reliable history with this unit.

### **Recommendation**

***That Council resolves to:***

- 1. award Contract C1314/015 for the supply of a Waste Compactor Truck to Blacklocks for the Iveco MacDonald Johnston Unit ;***
- 2. disclose the contract price of \$398,448 inclusive of GST, for Contract C1314/015 for the supply of a Waste Compactor Truck.***

***The motion was declared agreed by the Chair.***

## 11.3 SPECIAL COMMITTEE REPORTS

### 11.3.1.1 FRIENDS OF LACLUTA SPECIAL COMMITTEE

Lacluta East Timor Friendship

42.070.020

#### Introduction

The Friends of Lacluta Special Committee's (FOLC) aim is to develop opportunities to support the community of Lacluta, East Timor. The Friends of Lacluta Special Committee provides this report from the Annual General Meeting (AGM) and the Ordinary meeting held on 26 August 2013 for noting by Council.

#### Annual General Meeting

Attendees: J Ramsey, B Fraser, B Broz, B Walpole, E Walpole, L Brien, A Kimber, H Redmond, L Painter, K Jones.

The Chairperson's annual report and the Treasurer's financial report were tabled at the AGM. The election of office bearers was carried out and the Committee elected the following office bearers unopposed:

- Ms Heather Redmond – Chairperson;
- Ms Leonie Brien – Deputy Chairperson;
- Ms Elizabeth Walpole – Secretary; AND
- Ms Joy Ramsey - Treasurer

#### Ordinary Meeting

Attendees: J Ramsey, B Fraser, B Broz, B Walpole, E Walpole, L Brien, A Kimber, H Redmond, L Painter, K Jones.

The following items were discussed by the Committee:

- Strategic Plan and Budget;
- Trainee teachers for kindergarten;
- Nominations to endorsed Special Committee of Council;
- Community Centre management and progress;
- Status of six scholarships;
- Finalisation of the Memorandum of Understanding with Rotary Club Appin Park and North East Health;
- Visit to East Timor by B Broz and H Redmond on 29 September 2013.

#### Recommendation

***That Council resolves to receive and note this report.***

***The motion was declared agreed by the Chair.***

## 11.4 ADVISORY COMMITTEE REPORTS

### 11.4.1.1 ARTS CULTURE AND HERITAGE ADVISORY COMMITTEE REPORT

Cultural/Arts Issues

67.010.006

#### Background

The Arts, Culture and Heritage Advisory Committee (ACHAC) held their bi - monthly meeting on 7 October 2013.

Attendees included:

Interim Council Administrator, Peter Stephenson (Chair); David Godkin; Ken Gaudion; Rhonda Diffey; Lorraine Monshing; Tina Thompson; Valerie Brennan; Loueen Twyford; Acting Director Community Wellbeing, Patti Wenn and Council Officers, Dianne Mangan, Penny Hargrave, and Justine Ambrosio.

Apologies: Kim Westcott

There were no declarations of conflict of interest.

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

1. An update was given by Wangaratta Performing Arts Centre Manager on the ACHAC Strategic Plan, with ACHAC to provide input and feedback by close of business on 28 October 2013;
2. The Acting Director Community Wellbeing gave an overview of the current council activities; and
3. The Gallery Director gave a presentation on the Business Case for the proposed Wangaratta Art Gallery upgrade project.

#### Recommendation

***That Council resolves to receive and note the report.***

***The motion was declared agreed by the Chair.***



### 11.4.1.2 YOUTH COUNCIL ADVISORY COMMITTEE REPORT

Youth Council

10.020.010

#### **Background**

The Youth Council Advisory Committee held a meeting on 11 October 2013.

Youth Councillors Isabelle Smith, Nathan Jeffries, Ella Thomas, Chloe Hancock, Zoe Matthews, Max Dewez, Meg Walch, Sofia Kennedy, Esme Currie, Alex Darbyshire and Youth Mayor Zoe Stinson were present along with Council's Community/Youth Development Officer, Lauren Glass, and previous Youth Councillor, Hazel Vaughan.

There were no declarations of conflict of interest.

The following items were discussed at the meeting:

1. National Young Leaders Day;
2. Young at Heart Day;
3. Unbranded;
4. Keep Australia Beautiful Victoria Awards;
5. Leo Club;
6. Shape It! Planting day;
7. Youth Card; and
8. Youth Survey

The following items are provided for the Council's information:

#### **Keep Australia Beautiful Victoria Awards**

On 20 September 2013, Youth Councillor Sofia Kennedy and Youth Mayor Zoe Stinson attended the Keep Australia Beautiful Victoria Regional Presentation at the Wangaratta Library. Youth Council was announced as a finalist in the Young Leaders category of Tidy Towns Sustainable Communities. The State awards were held in Wycheproof on 12 October 2013.

#### **Shape It! Planting day**

Youth Council, accompanied by the Rural City of Wangaratta Bush Regeneration Team, planted 162 trees, painted two bins and collected rubbish in the Mitchell Avenue Park area. Bird and possum boxes will be installed along the creek in the near future and a 'youth specific' playground will be built in the Mitchell Avenue Park next year.

These activities are part of a project funded by a grant under 'Shape It!,' a Victorian Government program that supports rural and regional young people to participate in local decision making in their community. Youth Council hopes these initiatives will encourage people to look after the area and assist in making the space more inviting.

### Leo Club

Wangaratta Lions Club members came to speak with Youth Council on 2 October 2013 regarding the development of a Leo Club for young people. Lions Club members also sought advice on how to promote the Leo Club with Youth Council's support.

### Recommendation

***That Council resolves to receive and note the report.***

***The motion was declared agreed by the Chair.***

### 11.4.1.3 AUDIT ADVISORY COMMITTEE MEETING REPORT

Audit Advisory Committee

51.020.004

#### **Introduction**

The Audit Advisory Committee held a meeting on 30 October 2013 with the following members in attendance:

Committee member: Mr Peter McNeill (Chair); Mr Anthony Grieves; Mr Peter Stephenson, Administrator.

In attendance: Mr Peter Mangan, Acting Director-Sustainability; Mrs Ruth Kneebone, Manager-Finance; Mr Stephen Clarke, Johnsons MME (Internal Auditor);

Apologies:

Ms Joanne Ryan and Mr Kelvin Spiller, Acting Chief Executive Officer

No conflicts of interest were declared.

The following items were discussed at the meeting:

- External Audit Management Letter;
- Auditor General Financial Sustainability Indicators,
- Internal Audit reports;
- Status of internal audit recommendations;
- Risk management processes and risk mitigation actions;
- Finance reports;
- Works and Activities report;
- New Council policies and amendments;
- Ethical Standards and Related Party Transactions;
- Compliance matters;
- Local Government Performance Reporting Framework;
- National Competition Policy Reporting;
- Audit Advisory Committee Action Sheet items;
- Audit Advisory Committee Biennial Agenda; and
- Audit Committee review and Chairman's report.

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

#### **External Audit Management Letter**

The draft External Audit Management Letter was presented to the Committee containing four items. Three of these items related to Council's Performance Statement and the fourth related to revaluation of Council's Parks and Gardens Infrastructure. These matters have been addressed.

### Auditor General Financial Sustainability Indicators

Using Council's actual results for the previous five years and Council's adopted budget forecasts to 2016, the Victorian Auditor General has calculated six financial sustainability indicators and concluded that Wangaratta Council's Financial Sustainability assessment is 'Low Risk'.

### Internal Audit reports

It was agreed that the future internal audit program would be amended as follows:

- *Procurement - November 2013;*
- *Risk Management – January 2014;*
- *Business continuity and disaster recovery – March 2104; and*
- *Compliance review – May 2014.*

### Risk management processes and risk mitigation actions

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

### Finance reports

An unfavourable variance of \$1.4 million was noted between Council's 2013/14 Adopted Budget and the reforecast position for 2013/14.

### Compliance matters

It was noted that there have been two Code of Conduct Panel hearings involving alleged breaches of Council's Code of Conduct by Councillors and generally involving Councillors. The first of these has been determined and is subject to a review by the Victorian Civil and Administrative Tribunal (VCAT), the second has been referred directly to VCAT. Council is not a party to these proceeding.

### Audit Committee review and Chairman's report

The Committee Chair, Mr Peter McNeill, presented his report together with an annual self-assessment of the Committee for the 2012/13 year. It was resolved to defer the election of Chairman until the Committee's February 2014 meeting.

### Recommendation

***That Council resolves to receive and note the report.***

***The motion was declared agreed by the Chair.***

## 12. RECORDS OF ASSEMBLIES OF ADMINISTRATORS

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

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

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

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

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

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

Date	Meeting details	Refer
28-10-2013	Prior to Special Council Meeting	Attachment
9-10-2013	Briefing Forum	Attachment
8-10-2013	Prior to Ordinary Council Meeting	Attachment
7-10-2013	Arts, Culture and Heritage Advisory Committee	Item 11.5.1.1
12-11-2013	Draft Council Agenda	Attachment

### Recommendation

***That:***

1. ***Council receive the reports of Assemblies of Administrators, and***
2. ***the items listed below remain confidential in accordance with S.77 of the Local Government Act on the grounds that they relate to one or more of the following matters:***
  - a. ***Industrial matters;***
  - b. ***Contractual matters;***
  - c. ***Proposed developments; and***
  - d. ***a matter that would prejudice the Council.***
  - (i) ***Councillor’s Briefing Forum dated 9 October 2013:***
    - 4.2.4.1 - Rural Land Strategy – Review;***
    - 4.2.5.1 - Regional Playground Design Research Paper; and***
    - 4.2.5.2 - Wangaratta Performing Arts Centre Marquee***

***The motion was declared agreed by the Chair.***

**13. NOTICE OF MOTION**

**14. URGENT BUSINESS**

**15. AUTHORISATION OF SIGNING AND SEALING OF DOCUMENTS**

Authorisation of Signing & Sealing of Documents

50.010.004

**Recommendation**

***That Council resolves to sign and seal the Contract C1314-006 for Concrete Crushing, Bowser Landfill.***

***The motion was declared agreed by the Chair.***

**16. PUBLIC QUESTION TIME**

Public Question Time

10.020.004

Kieran Klemm - Londrigan

Mr Klemm referred to recently received rate notices and queried the pay by date of 2 December 2013 as he believed he had 28 days to pay.

Mrs Ruth Kneebone, Manager Finance responded that the minimum requirement for payment is 14 days and the notices had been late back from the printer.

Lyle Gibb – Park Lane, Wangaratta

Mr Gibb referred to items 11.2.3.3 - Planning Permit Application Pln08-081.01 – Extension To Existing Nursery Facilities At Park Lane Wangaratta Vic 3677 and 11.2.3.4 - Planning Permit Application Pln09-229.01 - Alterations And Additions To An Existing Plant Nursery Facility At Park Lane Wangaratta Vic 3677, and also to the 16 March 2010 Council Meeting where this project had been an item as an application and expressed his views that Council had not followed through with the resolution made at that time. Mr Gibb is very concerned about the amount of dust raised at the nursery and believed the 2010 report contained conditions for reducing the dust.

Mr Peter Godfrey, Director Infrastructure, replied that he was not aware of any agreement made in relation to this issue but he would take it on notice.

Ron Briggs – Everton Upper

Mr Briggs inquired whether Council had a Domestic Waste Water Management Plan and, if so, would it be possible to obtain a copy.

Mr Peter Godfrey, Director Infrastructure, responded that there is a draft version being reviewed at the moment but Council is waiting on information from Goulburn Murray Water.

Kudri Demaj – Park Lane, Wangaratta

Mr Demaj referred to items 11.2.3.3 - Planning Permit Application Pln08-081.01 – Extension To Existing Nursery Facilities At Park Lane Wangaratta Vic 3677 and 11.2.3.4 - Planning Permit Application Pln09-229.01 - Alterations And Additions To An Existing Plant Nursery Facility At Park Lane Wangaratta Vic 3677 and expressed his disappointment with Council's lack of response to the dust and drainage concerns of the residents of Park Lane. Mr Demaj added that his insurance losses had been extensive as a result.

Ailsa Fox, Administrator Chair, replied that she understood Mr Demaj's frustration but, as she was not familiar with the area at this stage, she would take it on notice. Ailsa continued that she felt another site inspection would be beneficial and would discuss the issue further at a convenient time.

Gary Nevin – Bobinawarra

Mr Nevin expressed his appreciation for the Administrators wish to be accessible and asked if their photographs and contact numbers would be published in the Wangaratta Chronicle as previous councillors were.

Mr Peter Mangan, Director Sustainability, assured Mr Nevin this would happen. Mr Nevin then expressed his preference for continuing with the seven o'clock starting time for Council Meetings.

Sue Phillips – Eldorado

Ms Phillips wished to acknowledge the recent grant received from Council for the Tourism Group and expressed her gratitude for the benefits this would provide to Eldorado.

Justin Floyd – Park Lane, Wangaratta

Mr Floyd added his concerns regarding items 11.2.3.3 - Planning Permit Application Pln08-081.01 – Extension To Existing Nursery Facilities At Park Lane Wangaratta Vic 3677 and 11.2.3.4 - Planning Permit Application Pln09-229.01 - Alterations And Additions To An Existing Plant Nursery Facility At Park Lane Wangaratta Vic 3677 and informed Council that, as an asthmatic, he found the situation quite dangerous to his health and expressed his wish for something to be done.

Ailsa Fox, Administrator Chair, expressed her sympathy and reiterated her previous comments on the issue.

Michael Sullivan – Tarrawingee

Mr Sullivan queried the status of the Road Management Plan and asked if it was possible to obtain a copy.

Mr Peter Godfrey, Director Infrastructure, informed Mr Sullivan that a draft plan was available and the plan had been on exhibition.

Since the meeting, clarification from Mr Sullivan has been sought in relation to the plan, and it has been confirmed that Mr Sullivan was referring to the 'Roadside Conservation Management Plan' and not the 'Road Asset Management Plan' as first thought.

A copy of the plan will be forwarded to Mr Sullivan.

Jim Lewis – Wangaratta

Mr Lewis wished the Administrators welcome and said he looked forward to a period of stability. Mr Lewis went on to refer to item 11.2.2.1 – Consideration of Annual Report for the Year ended 30 June 2013. Mr Lewis stated that he understood the answers from the Community Satisfaction Survey were frequently used as a performance measure and he would like to know how the questions from the Community Satisfaction Survey relate to the Council Plan and if that could be explained to the public.



Ailsa Fox, Administrator Chair, took the question on notice.

Kieran Klemm – Londrigan

Mr Klemm referred to the rollover of a truck at an intersection in Eldorado some three months ago and the request to Council for a site inspection and meeting to discuss the issue.

Mr Adrian Gasperoni, Manager - Technical Services, responded that there had been a meeting at the site with the concerned agencies and Mr Tim McCurdy MP and some options for improving the issue were discussed. Mr Gasperoni stated that Mr Klemm had been on the invitation list of that site meeting and apologised if he had been overlooked.

Ailsa Fox, Administrator Chair, added her apologies and thanked Mr Klemm for his concern.

**17. CONFIDENTIAL BUSINESS**

Nil

**Minute of Appreciation – Acting Directors**

That a minute of appreciation be recorded acknowledging the contribution to the Council provided by the Acting Directors Peter Mangan, Acting Director Sustainability; Patti Wenn, Acting Director Community Wellbeing; and Peter Godfrey, Acting Director Infrastructure, during a time of particular difficulty for the Rural City of Wangaratta.

**18. CLOSURE OF MEETING**

The meeting closed at 8:20pm.