

WANGARATTA RURAL CITY COUNCIL



BUSINESS PAPER FOR THE ORDINARY MEETING  
OF THE WANGARATTA RURAL CITY COUNCIL, TO BE HELD  
IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES,  
62-68 OVENS STREET, WANGARATTA  
ON **TUESDAY, 20 MARCH 2012** COMMENCING AT 7.00PM

Doug Sharp  
**CHIEF EXECUTIVE OFFICER**

As at 16/03/12 4:05 PM



## TABLE OF CONTENTS

	<b>Page No.</b>
<b>1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS.....</b>	<b>5</b>
<b>2. OPENING PRAYER.....</b>	<b>5</b>
<b>3. PRESENT .....</b>	<b>5</b>
<b>4. ABSENT.....</b>	<b>5</b>
<b>5. ACCEPTANCE OF APOLOGIES &amp; GRANTING OF LEAVE OF ABSENCE.....</b>	<b>5</b>
<b>6. CITIZENSHIP CEREMONY .....</b>	<b>5</b>
<b>7. CONFIRMATION OF MINUTES .....</b>	<b>5</b>
<b>8. CONFLICT OF INTEREST DISCLOSURE .....</b>	<b>5</b>
<b>9. RECEPTION OF PETITIONS.....</b>	<b>6</b>
9.1.1.1 PETITION – RE CAR PARKING IN MERRIWA PARK.....	6
<b>10. HEARING OF DEPUTATIONS .....</b>	<b>6</b>
<b>11. PRESENTATION OF REPORTS .....</b>	<b>6</b>
<b>11.1 COUNCILLOR’S REPORTS .....</b>	<b>6</b>
<b>11.2 OFFICER’S REPORTS.....</b>	<b>7</b>
<b>11.2.1 EXECUTIVE SERVICES.....</b>	<b>7</b>
11.2.1.1 ONGOING COMMUNITY USE OF DROUGHT BORES .....	7
11.2.1.2 DRAFT COUNCIL PLAN.....	8
11.2.1.3 MERRIWA AND KALUNA PARKS MASTERPLAN: VARIATION PROPOSAL .....	11
<b>11.2.2 SUSTAINABILITY .....</b>	<b>15</b>
11.2.2.1 PLANNING PERMIT APPLICATION NO. 11-131 – USE AND DEVELOPMENT OF LAND FOR A DWELLING AT WARBY TOWER ROAD, KILLAWARRA 3678.....	15
11.2.2.2 PLANNING PERMIT APPLICATION PLN11-206 – DEVELOPMENT OF TWO (2) DWELLINGS & TWO (2) LOT SUBDIVISION AT 27 TROTMAN DRIVE WANGARATTA VIC 3677 .....	25
<b>11.2.3 COMMUNITY WELLBEING.....</b>	<b>38</b>
11.2.3.1 COMMUNITY GRANTS - MAJOR .....	38
11.2.3.2 VOLUNTEER RECOGNITION EVENT .....	41
11.2.3.3 POLICY – COMMUNITY HIRE OF PUBLIC FACILITIES.....	43
<b>11.2.4 INFRASTRUCTURE SERVICES .....</b>	<b>45</b>
11.2.4.1 ROAD NAMING PROPOSALS .....	45
<b>11.3 SPECIAL COMMITTEE REPORTS.....</b>	<b>47</b>
<b>11.4 ADVISORY COMMITTEE REPORTS .....</b>	<b>48</b>
11.4.1.1 PLACE NAMING COMMITTEE – MEETING REPORT.....	48
11.4.1.2 WANGARATTA UNLIMITED (BOARD) ADVISORY COMMITTEE MEETING REPORT .....	48
<b>12. RECORDS OF ASSEMBLIES OF COUNCILLORS .....</b>	<b>50</b>
<b>13. NOTICE OF MOTION.....</b>	<b>51</b>
<b>14. URGENT BUSINESS.....</b>	<b>51</b>
<b>15. AUTHORISATION OF SIGNING AND SEALING OF DOCUMENTS.....</b>	<b>51</b>
<b>16. PUBLIC QUESTION TIME.....</b>	<b>51</b>

<b>17.</b>	<b>CONFIDENTIAL BUSINESS .....</b>	<b>51</b>
<b>18.</b>	<b>CLOSURE OF MEETING.....</b>	<b>51</b>

1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

2. **OPENING PRAYER**

3. **PRESENT**

4. **ABSENT**

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

**Recommendation**

*That Councillor R Webb be granted leave of absence for the period Friday 20 April 2012 to Friday 4 May 2012.*

**ORDER OF BUSINESS**

6. **CITIZENSHIP CEREMONY**

An Australian Citizenship ceremony will be held.

7. **CONFIRMATION OF MINUTES**

**Recommendation**

*That the Minutes of the Ordinary Meeting of 21 February 2012 be taken as read and confirmed as a true and accurate record of the proceedings of the meeting.*

8. **CONFLICT OF INTEREST DISCLOSURE**

## **9. RECEPTION OF PETITIONS**

### **9.1.1.1 PETITION – RE CAR PARKING IN MERRIWA PARK**

Ryley Street Wangaratta 3677 - Merriwa Park –

7021

Merriwa Park Toilet and Comfort Station and Change Rooms

#### **Background**

A petition/joint letter containing some 1,177 signatures from members of the Community has been received wishing to draw Council's attention to the proposed extension of car parking within Merriwa Park. The petitioners request that:

1. no increase in car parking in Merriwa Park;
2. support in the masterplan to reduce car parking space; and
3. no all-day car parking.

A copy of the petition has been provided to Councillors under separate cover.

#### **Issues**

In accordance with Local Law No. 2 of 1999 – Meeting Procedures a petition presented to the Council must lay on the table until the next ordinary meeting of the Council and no motion, other than to receive the petition, may be accepted by the Chairperson, unless Council agrees to deal with it earlier.

#### **Recommendation**

1. ***That the petition regarding the extension of car parking within Merriwa Park be received.***
2. ***That Council agrees to consider the issues raised in the petition in conjunction with consideration of the report 'Merriwa and Kaluna Parks Master Plan: Variation Proposal' later in this agenda.***

#### **Communication**

The first named signatory of the petition/joint letter will be advised of Council's determination on this matter.

## **10. HEARING OF DEPUTATIONS**

## **11. PRESENTATION OF REPORTS**

### **11.1 COUNCILLOR'S REPORTS**

Nil.

## **11.2 OFFICER'S REPORTS**

### **11.2.1 EXECUTIVE SERVICES**

#### **11.2.1.1 ONGOING COMMUNITY USE OF DROUGHT BORES**

Drought

73.030.001

##### **Introduction**

In recognition that many traditional water sources were failing a number of bores with associated infrastructure were established or enhanced throughout the municipality during the period of the recent drought. These “drought bores” were approved under specific licencing conditions and were for stock and domestic use.

##### **Background**

The Agriculture and Agribusiness Advisory Committee (AAAC) has previously sought clarification as to the ongoing use and maintenance of the “drought bores”.

Whilst acknowledging the overriding purpose of the bores and associated water facilities was to assist the community with water provision during drought when ‘normal’ water supplies were not accessible, they are now recognised as a significantly beneficial community asset.

##### **Issues**

Acknowledging the specific licencing conditions under which the bores were established and that the prevailing climatic conditions have returned to a level of some normality, Council needs to consider the ongoing operation and public access to the bores in consultation with Goulburn Murray Water.

A formal recommendation to Council from the AAAC at their meeting of 13 February 2012 has requested:

*“That the Rural City of Wangaratta fully investigate options to ensure the established drought bores remain fully operational and available for stock, domestic and community use.”*

##### **Implications**

The rural communities have developed a level of reliance on the bores for stock and domestic purposes and the practice of closing down the bores, down without a regular maintenance schedule, will render the infrastructure inoperable over time. Maintaining public access to the infrastructure will incur maintenance and operational costs to Council, however this will somewhat be offset against extensive recommissioning expenditure at the time of a future drought. Specific licencing conditions with Goulburn Murray Water may also require some negotiation and advocacy.

## **Conclusion**

The AAAC believe that further investigation should be undertaken into the practicality of keeping the drought bores fully operational and available to the public for stock, domestic and fire fighting purposes before unilaterally limiting their function and community benefit.

## **Recommendation**

***That Council endorse the recommendation of the AAAC and further investigate options to ensure the established drought bores remain fully operational and available for stock, domestic and community use.***

### 11.2.1.2 DRAFT COUNCIL PLAN

Council Plan

20.030.009

## **Introduction**

At least once in each financial year, Council must consider whether the current Council Plan requires any adjustment.

The Council Plan must include:

1. the strategic objectives of the Council;
2. strategies for achieving the objectives for at least the next four years;
3. strategic indicators for monitoring the achievement of the objectives; and
4. a Strategic Resource Plan containing certain financial statements and describing the human resources required to deliver the Plan.

Council must provide the opportunity for the community to make submissions on any adjusted Plan.

## **Background**

A review of the Council Plan 2009-2013 currently adopted by Council has been prepared (***refer attachment***).

## **Issues**

The focus of the review was to make minor adjustments to key actions and timeframes to accord with latest status assessment and to enable Council to meet new opportunities and challenges which have arisen since this Council Plan was originally adopted.

New actions in the draft adjusted Council Plan include to:

- Advocate for a reliable, timely and efficient train service on the Hume corridor.
- Investigate carbon market initiatives and opportunities.

- Develop a Showgrounds Masterplan to consider future use of existing infrastructure.

Adjusted actions to further Council business previously completed include to:

- Advance Community Planning in rural settlements to achieve more strategic and high level outcomes.
- Continue to advocate for a long term secure water supply for Wangaratta and district.
- Develop a risk management approach to identify the impacts of climate change on core and non-core Council business (as defined in Appendix 2) including an investigation of how the outcomes may be incorporated into the Planning Scheme.
- Continue implementation of triple bottom line methodology that considers social, environmental and financial sustainability.
- Deliver visual arts programs across the Rural City of Wangaratta through the Regional Partnerships Program funding.
- In collaboration with the Wangaratta Festival of Jazz Board, develop a plan to enhance Wangaratta's status as the Jazz Capital of Australia.
- Promote the Wangaratta Performing Arts Centre as a community based venue for meetings and local events.
- Provide a diverse range of community art and cultural activities, including the "Sculpture Event," in parks and public places.
- Implement the process to amend the Planning Scheme to incorporate a Heritage Overlay for urban areas.
- Implement the process to amend the Planning Scheme to incorporate a Heritage Overlay for rural areas.
- Complete the development of a fully integrated Children's Services Centre.
- Develop a position on the Rural Land Strategy and implement adopted actions.
- Advocate to retain the Regional Skilled Migration Program beyond 2012.
- Resolve a position on the Centre for Medical Excellence.
- Evaluate and determine a position on re-scoping the Ned Kelly Interpretive Centre proposal.
- Develop environmental tourism and recreational opportunities including the Warby Range / Ovens River National Park.
- Progress key actions identified within the King Valley Masterplan.
- Complete review of guidelines and actions from the Roadside Conservation Management Strategy in Council operations and assist community to work to these guidelines.
- Continue to operate and support community firewood depots at El Dorado and Glenrowan.
- Continue to explore opportunities for the use of alternative fuels in Council's fleet.
- Implement adopted actions from the Open Space Strategy and the Recreation Strategy.
- Explore designs for a regional playground in Wangaratta.

There are two actions within the draft adjusted Council Plan where Councillors are involved at a community group, board level and potentially represent a

conflict of interest. To comply with the Local Government Act, these actions will be dealt with separately and in isolation from the remainder of the Council Plan.

These actions are:

- 2.1.3.3 – In collaboration with the Wangaratta Festival of Jazz Board, develop a plan to enhance Wangaratta's status as the Jazz Capital of Australia.
- 5.2.4.1 (dot point 4) – Build on the key brand strengths of Food and Wine, Cycling, Ned Kelly and Jazz by collaborating with the Wangaratta Festival of Jazz Board to ensure longevity and continued success of the event.

The draft adjusted Council Plan:

- draws on the knowledge of community needs and expectations obtained by Councillors and staff from their many interactions with the community
- prioritises the competing demands for Council resources identified in the many detailed planning activities and studies completed by the Council

The draft adjusted Council Plan identifies the key strategies for the organisation to pursue over the life of the Plan. In addition, summaries of the ongoing responsibilities and service obligations are also included.

### **Consultation**

A person has a right to make a submission on a proposed adjustment to a Council Plan under section 223 of the Local Government Act.

### **Implications**

#### **Community Outcomes**

Whilst the Council Plan adopted in 2009 and adjusted in 2011 sets the agenda for the Council, this annual review ensures the projects and objectives continue to be in line with the community and Council's broader vision.

### **Recommendation**

1. ***That the draft adjusted Council Plan for the period 2009-2013 annexed to this resolution and initialled by the Chairperson for identification amended to delete actions 2.1.3.3 and 5.2.4.1 dot point 4; be the adjusted Council Plan prepared by Council for the purposes of Section 125 of the Local Government Act 1989.***
2. ***That a new action 2.1.3.3 be included in the Council Plan: "In collaboration with the Wangaratta Festival of Jazz Board, develop a plan to enhance Wangaratta's status as the Jazz Capital of Australia."***
3. ***That a new action 5.2.4.1 dot point 4 be included in the Council Plan: "collaborating with the Wangaratta Festival of Jazz Board to ensure longevity and continued success of the Event".***
4. ***That the Chief Executive Officer be authorised to:***
  - a) ***give public notice that submissions in respect of this matter will be considered in accordance with Section 223 of the Local Government Act 1989; and***

- b) make available for public inspection the information required to be made available.**
- 5. That submissions on any proposal or proposals contained in the adjusted Council Plan, made in accordance with section 125(9) of the Local Government Act 1989 be considered at a meeting of a committee of the Council to be held at the Wangaratta Government Centre, corner of Ford and Ovens Streets, Wangaratta on Tuesday 8 May 2012.**
- 6. That Council consider the adoption of the adjusted Council Plan at an Ordinary Meeting of Council to be held on Tuesday, 15 May 2012 at 7.00 pm.**

### **Communication**

Public notification, inviting the community to make submissions on the adjusted Council Plan, will be given in the local media in accordance with the Local Government Act 1989.

#### **11.2.1.3 MERRIWA AND KALUNA PARKS MASTERPLAN: VARIATION PROPOSAL**

Parking Policy - Wangaratta Central Business Area

83.005.002

### **Introduction**

With submissions in relation to the compromise to the Merriwa and Kaluna Parks Master Plan having closed on 9 March 2012, it is now important that a process is established that deals with this matter responsively, responsibly and effectively.

This report proposes a process for doing so having regard to the level of public interest in the matter.

### **Background**

At Council's meeting on 24 January 2012 it resolved to seek Ministerial approval for an additional part of Merriwa Park to be used for car parking. Following this decision, the Minister for the Environment, The Hon. Ryan Smith MP, visited Wangaratta and among other things requested Council to consider a compromise plan and respond to him within the week prior to him making a decision.

A compromise plan was submitted to the February Council meeting at which Council resolved to defer to a Special Council Meeting a decision on submitting a compromise plan to the Minister pending a period of public consultation.

## **Issues**

### **1. Public and stakeholder feedback**

#### **Petition**

As referred to earlier in this business paper, a petition/joint letter containing some 1,177 signatures from members of the community has been received wishing to draw Council's attention to the proposed extension of car parking within Merriwa Park. The petitioners request that:

1. no increase in car parking in Merriwa Park;
2. support in the master plan to reduce car parking space;
3. no all day parking.

#### **Submissions**

A total of 109 submissions were received in the period given for same. Copies have been supplied to Councillors.

Overwhelming submission response is negative. Main themes arising from the submissions are:

- Merriwa Park is not the right place for all day car parking;
- Increasing car parking as proposed encroaches into the park and will destroy the amenity;
- Neither the compromise plan nor the master plan is acceptable;
- Review of the master plan should be undertaken;
- There has been lack of consultation.

#### **Stakeholder meetings**

Meetings were held between Council officers and individual stakeholder groups. In addition a joint stakeholder meeting chaired by Councillor Rozi Parisotto was also held. Details of this meeting are provided in the attachment.

The joint meeting concluded that the Merriwa and Kaluna Parks Master Plan needs to be reviewed. It did not support the compromise plan or any other alternative.

### **2. Wangaratta Central Activities Area Car Parking Strategy**

The Wangaratta Central Activities Area Car Parking Strategy identifies an additional 300 spaces to be provided to meet existing and future needs out to 2030. Of these approximately 160 spaces would be short term parking in a future multi-storey car park within the CBD area.

The strategy identified that untimed car parking spaces should be provided at certain strategic locations adjacent to the CBD and nominated three sites, including Merriwa Park. This option was pursued when the availability of redundant hard court tennis courts arose. It offered capacity for 30 to 40 untimed car parks without the need of encroaching significantly on the existing park land beyond what the master plan proposed. At this time a suitable alternative site to make up for these car spaces has not been identified.

Negotiations have been finalised with developers for a multi-deck car park in a CBD location that would meet the needs identified in the car parking strategy.

**3. Application to the Minister for use of car parking at Merriwa Park**

There remains an application with the Minister for use of car parking at Merriwa Park based on a design plan for an extra 46 spaces, utilising the redundant tennis courts to provide 30 of them. The Minister is awaiting a response from Council either to deal with this application or some other decision.

**Implications**

Based on public feedback, there is virtually no support being expressed for either the car parking option approved at the January Council meeting or the compromise plan considered at the February Council meeting. To the contrary, there is a strong sentiment that a full review of the Merriwa and Kaluna Parks Master Plan be undertaken for a variety of reasons, including how to address:

- Access for disabled;
- Car parking requirements;
- Access to Soundshell and Kaluna Park;
- Future use of redundant tennis courts; and
- Opportunities for improvement.

A decision to not proceed with Merriwa Park as an option for car parking under the Car Parking Strategy would leave a long term need for 30 to 40 untimed car parks. However, with the imminent prospect of a multi-deck car park, an opportunity may exist to reassess the impact such would have, and the need over time to find the required number of untimed car parks as identified in the strategy.

It is important that the Minister be given some clarity over where this matter stands. This should not be delayed if possible.

Given this situation and the public interest generated by this matter, a resolution at this meeting is desired.

**Proposed Response**

1. In the light of submissions received, a full review of the Merriwa and Kaluna Parks Master Plan be undertaken.
2. Accordingly, a decision be made not to proceed with a compromise plan and withdraw the existing application before the Minister.
3. Given that the level of public interest and the need to treat this matter expeditiously for reasons previously outlined, it be dealt with at this meeting and not be deferred to a Special Council meeting.

## **Recommendation**

### ***That:***

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

## 11.2.2 SUSTAINABILITY

### 11.2.2.1 PLANNING PERMIT APPLICATION NO. 11-131 – USE AND DEVELOPMENT OF LAND FOR A DWELLING AT WARBY TOWER ROAD, KILLAWARRA 3678

Planning Application

11-131

#### Introduction

This report deals with a permit application for the *Use and Development of Land for a Dwelling* in a Farming Zone. No letters of objection have been received to date

A recommendation is made to refuse the application based on a lack of information provided by the applicant to satisfy the requirements of the Significant Landscape Overlay and decision guidelines of the Farming Zone. A discussion of the reasons for the recommendation to refuse a permit follows in this report.

#### Background

Applicant: Troy Spencer  
Owner: Mr R Buck  
Address: Warby Tower Road, Killawarra  
Zoning: Farming Zone  
Overlays: Significant Landscape Overlay, Wildfire Management Overlay (part)

Agricultural Versatility: Moderate

Permit Trigger: Clause 35.07 Use and Development of a Section 2 use (Dwelling on Lot under 40ha).

#### Proposal

The proposal is to construct and use a dwelling on a 2ha parcel of land located on Warby Tower Road, Killawarra.

The proposed dwelling is to be used in conjunction with the adjoining orchard, however, given that the site is on a separate title from the orchard, this association may not be temporary.

The proposed dwelling is to be setback approximately 100m from the road, 27 metres from the eastern boundary and 10m from the south eastern boundary. A single dwelling on the adjacent 2ha block is located approximately 68 metres from the proposed house site. This is currently occupied by a member of the family who operate a large orchard to the south.

The proposed dwelling is a single storey four bedroom brick veneer house with a colour bond roof and attached brick garage.

The application outlines that the dwelling is required as a caretaker's house for the existing orchard on the adjacent parcel of land. The applicant is currently the field manager of the orchard. This position requires being on-call during night hours for spraying and irrigation, cool room checks along with daytime work such as pruning and composting. The orchard produces a variety of fruits and is currently researching berry production.

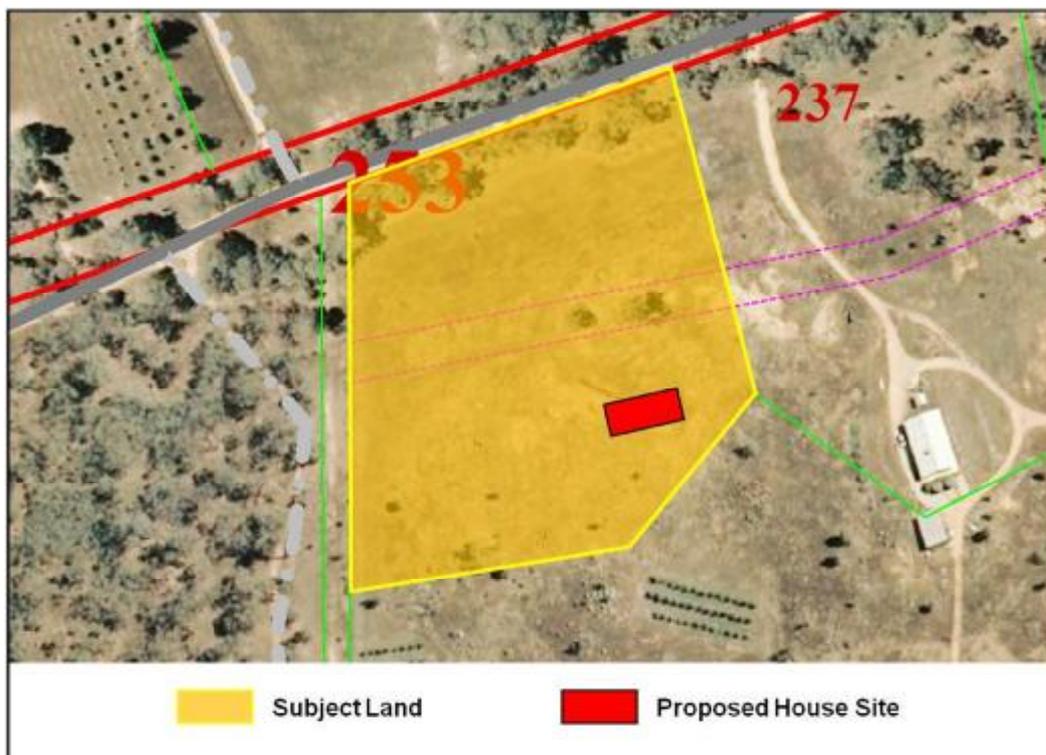
### **Site and Surrounds**

The subject site is a 2ha lot located at the western end of the Warby Tower Road adjacent to the Warby Ovens National Park. The site is approximately 2.5km from the main Wangaratta - Yarrawonga Road and 15km from the Wangaratta Central Activity Area.

The land is currently vacant and fenced off from the existing orchard and neighbouring properties. The land is rocky with little cultivatable soil available. Council mapping identifies the site as having moderate agricultural versatility.

The site is bordered by the Warby Ranges to the west. Across Warby Tower Road to the north are a number of smaller lots containing dwellings.

To the east is an adjoining 2ha parcel that was subdivided as part of a 4 lot subdivision in 1997. The basis of this subdivision was to create two dwelling sites on Warby Tower Road for the children of the landholder and split the remainder of the farm into two lots one of 48ha containing the orchard and one of 51ha predominantly a bush block adjoining the National Park. The subdivision permit included approval for dwellings on Lot 3 and Lot 4. The dwelling on Lot 4 has since been completed however no dwelling was constructed on Lot 3 and this permit has now lapsed.



The surrounding properties are of varied size made up of:

- three 2ha rural residential style lots with dwellings;
- two further small farming lots of 8ha and 15 ha also with dwellings; and
- five larger farming lots with bushland, grazing and orchards of which two have dwellings and a further 3 currently approved.

The adjoining Warby Ranges National Park is a significant landscape feature with a high level of fauna and flora present. The ranges dominate the nearby landscape and can be seen from many parts of the municipality.

### **Planning considerations**

The subject land is located within the Farming Zone. The land is also affected by a Significant Landscape Overlay (SLO) and partly by a Wildfire Management significant landscape Overlay (WMO). The dwelling is not proposed to be located within the WMO and as such a permit is not triggered under this overlay.



In the Farming Zone, a planning permit is required to construct and use a dwelling on a lot under 40ha. A planning permit is also required to construct a building or carry out works in a Significant Landscape Overlay (SLO).

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

### **Planning considerations**

The subject land is located within the Farming Zone. A planning permit is required to use and develop a dwelling on a lot under 40 hectares.

The dwelling is to be located in the area affected by the Significant Landscape Overlay and therefore triggers consideration against the requirements of Clause 42.03 of the Scheme.

The following summarises the Planning Scheme requirements and decision guidelines applying to this proposal (commentary & assessment against these guidelines follows within the assessment section of this report):

### **Clause 35.07 Farming Zone**

#### **Purpose:**

*“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

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

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

#### **General issues**

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

#### **Agricultural issues**

- Whether the use or development will support and enhance agricultural production.*
- Whether the use or development will permanently remove land from agricultural production.*
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- The capacity of the site to sustain the agricultural use.*
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.*

#### **Dwelling issues**

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*

- *Whether the dwelling is reasonably required for the operation of the agricultural activity conducted on the land.*
- *Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*

#### **Environmental issues**

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

#### **Design and siting issues**

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*

### **42.03 Significant Landscape Overlay 1 – Warby Ranges**

#### **Statement of nature and key elements of landscape**

*The Warby Ranges are a prominent and significant feature in the northwest of the municipality and form a major part of the area's landscape character. The ranges dominate the landscape to the north of the Hume Freeway and from Wangaratta, and can be seen from many parts of the municipality. The area is used for multiple purposes and is value for agriculture, biodiversity, recreation and tourism.*

*Inappropriately sited and designed development or building materials could compromise the visual amenity and tourism values of the Warby Ranges. It is important to protect the landscape and biodiversity values of elevated, vegetated private land in the Warby Ranges.*

The relevant **Decision Guidelines** of the SLO1 Schedule include:

- *The visual and aesthetic qualities and character of the Warby Ranges landscape are protected.*
- *The features and values of the natural environment of the Warby Ranges are protected, including retention and enhancement of native vegetation.*
- *The tourism, economic and built environment potential and values of the Warby Ranges are protected.*
- *The development respects, is compatible with, and protects the significant landscape values of the land, adjoining land and wider area.*

#### **General Significant Landscape Overlay Decision guidelines**

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

- *The conservation and enhancement of the landscape values of the area.*
- *The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation.*
- *The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area.*
- *The impact of buildings and works on significant views.*

Clause 42.03 Significant Landscape Overlay contains a number of requirements that an application must include. These are:

### **3.0 Permit requirement**

Any application for subdivision, buildings or works must be accompanied by a report that:

- *Includes a site plan and that includes details of the location of proposed buildings and works, including land features such as contours, waterways and drainage lines, vegetation, biodiversity significance and any other site, feature or land use of relevance.*
- *Includes detailed plans, photographs or other means to indicate proposed buildings and works, including design, dimensions, elevations, materials and colours.*
- *Documents and assesses landscape features and potential effects on the Warby Ranges landscape, including the appearance and effect of proposed buildings and works from within and outside the land.*
- *All proposed buildings must be of muted tones and constructed in non-reflective materials, to the satisfaction of Council.*

### **State Planning Policy Framework (SPPF)**

#### **11.05-3 Rural productivity**

##### **Objectives:**

- *To manage land use change and development in rural areas to promote agriculture and rural production.*

#### **14.01-1 Protection of agricultural land**

##### **Objectives:**

- *To protect productive farmland which is of strategic significance in the local or regional context.*

#### **14.01-2 Sustainable agricultural land use**

##### **Objectives:**

- *To encourage sustainable agricultural land use.*

#### **16.02-1 Rural residential development**

##### **Objectives:**

- *To identify land suitable for rural living and rural residential development.*

### **Local Planning Policy Framework (LPPF) and Municipal Strategic Statement (MSS)**

#### **21.05 Rural Land Use and Agriculture**

**Context:**

*“Agriculture is a major economic industry and employment generator in the municipality. In addition to the traditional animal grazing industries of cattle and sheep, other agricultural industries have increased in the municipality, such as viticulture in the Milawa, Oxley and King Valley areas and stone fruits in the Warby Ranges. Lifestyle farming is also prevalent in some areas.*

*Rural land uses other than agriculture are also major economic industries and employment generators. Other uses of rural land include tourism industries such as wineries and fine foods, rural industries and outdoor education.*

*The agricultural sector is essential to the economic and social performance of the municipality and the region. It is an imperative that the productivity and versatility of agricultural land is maintained, particularly for higher agricultural versatility areas.”*

**22.01-1 Housing and Sheds in Rural Areas****Objectives:**

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

**Public Notification**

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by sending notices to the owners and occupiers of adjoining land.

At the time of preparing this report, no letters of objection had been received.

**Referrals**

The application was internally referred to the Environmental Health Unit and Technical Services Unit in regards to the effluent disposal area and access to the property. Both departments provided standard conditions to the proposal with no objection.

**Assessment**

The application before Council is for the use and development of a dwelling lot in the Farming Zone less than 40 ha and building and works within a Significant Landscape Overlay.

The recommendation for refusal is presented to Council on the grounds that insufficient information has been provided to make an accurate assessment on the proposal. A further information request was sent to the applicant on 14 September 2011 with numerous follow up correspondence and phone calls however no, further information has been provided since this date.

The information requested included:

- Detailed justification as to the linking of the dwelling to the farming activities including preparation of a *Whole Farm Plan*,
- Details on the existing dwellings on the farm/orchard and their link to the farming activities, and
- Documentation addressing the application guidelines regarding the Significant Landscape Overlay including:
  - A detailed site plan,
  - Photos and documentation to demonstrate the impact of the building on the surrounding landscape and,
  - A schedule of colours and materials for the dwelling.

A detailed review of the Farming Zone and SLO is as follows:

### **Farming Zone**

Within the Planning Scheme provisions increasing the number of dwellings within the Farming Zone is generally discouraged. There is however, wide support for increasing agricultural productivity.

#### **Agriculture:**

The subject land is moderate agricultural versatility and the parcel is only 2 ha in size. Due to this the capacity to sustain an agricultural use on the site is limited.

#### **Dwelling:**

To approve a dwelling on a lot under 40ha it would need to be demonstrated that a dwelling is reasonably required to support the operation of the agricultural activity on the land.

The link between the orchard and the dwelling is briefly described in the application noting the occupant of the dwelling will undertake a caretaker role to help increase the productivity of the orchard. The ongoing connection between the dwelling and the farm presents concerns with limited scope to formalise this connection if either property was to be sold.

A number of dwellings proliferate the area with 8 existing dwellings and 3 approved dwellings within 1.5km of the site mostly clustered around the proposed dwelling site. This is an outcome which is not preferred in farming areas however given this is the last vacant site in the area the settlement patterns supports this dwelling.

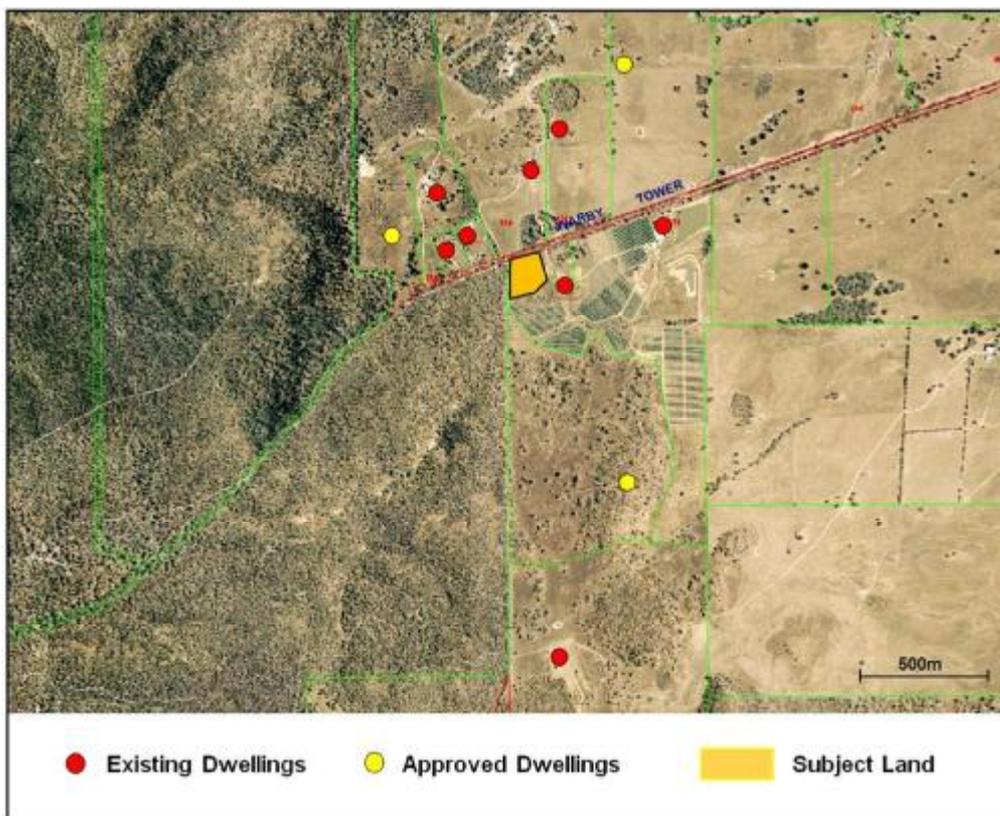
A request for further information including details on the whole farm plan and use of the existing farm dwellings has been requested to justify the use of the proposed dwelling. This has not been provided and as such the existing

information provided does not satisfy that the dwelling is reasonably required for the operation of the agricultural activity conducted on the land.

### **Siting and Design:**

The plans submitted show the dwelling to be in the south east corner of the lot. No part of the buildings is to be located within the Wildfire Management Overlay. The effluent disposal area has not been identified on the plan however the size of the parcel is deemed sufficient to withhold this treatment adequately. The dwelling is single storey and will have little visual impact from the road frontage.

The impact on the visual vistas of the Warby Ranges is of concern and is addressed later in this report. The setback from the neighbouring dwelling complies with the Farming Zone Schedule of 50m.



### **Significant Landscape Overlay**

The Significant Landscape Overlay aims to protect visual amenity and tourism values of the area from inappropriately sited and designed development or building materials. The application provides little detail on how the proposal aims to achieve this other than including basic house plans and elevations. Further information has been requested to address this however this has not been supplied.

The application includes a site plan showing the dwelling location and neighbouring dwelling however lacks any information regarding the significance of the area, photographs, materials or colours of the dwelling, or any assessment of the potential effects on the landscape as required in the *Permit Requirements* within the SLO.

The existing white dwelling to the east of the proposed dwelling is relatively dominant in the landscape and somewhat compromises the visual amenity of the area. Although the amenity has been compromised further inappropriate development should not be permitted.

### **Conclusion**

The *use* under the Farming Zone and *development* under the Significant Landscape Overlay both require further information and justification to be supported.

It is considered that given the lack of information supplied, the application cannot be assessed adequately against the provisions of the Planning Scheme to determine that the proposal responds to its landscape settings and will not have a detrimental impact on views of the Warby Ranges landscape. In addition the application does not provide sufficient information to be able to determine if the dwelling is reasonably required for an agricultural activity. A recommendation for refusal is offered.

### **Implications**

#### **Council Plan Outcomes**

*The Council Plan has the objectives to 'plan for and provide infrastructure appropriate to the community's needs' and to 'Ensure the amenity of public and built environments is attractive, safe and practice.' In this case it is considered that the proposal does not achieve these objectives.*

### **Recommendation**

***That Planning Permit Application No.11-131 for the Use and Development of Land for a Dwelling at Lot 3 Warby Tower Road, Killawarra Planning Permit be refused on the following grounds:***

- 1. Insufficient information and justification has been provided to satisfy the Decision Guidelines of the Farming Zone in particular that the use and development of a dwelling is reasonably required for the operation of an agricultural activity; and***
- 2. Insufficient information has been provided on the design, placement and external materials (including colours) of the dwelling to satisfy the Objectives and Decision Guidelines of the Significant Landscape Overlay and therefore the protection of the significant landscape features of the Warby Ranges.***

### **Communication**

That the applicant be advised of Council's decision.

11.2.2.2 PLANNING PERMIT APPLICATION PIn11-206 – DEVELOPMENT OF TWO (2) DWELLINGS & TWO (2) LOT SUBDIVISION AT 27 TROTMAN DRIVE WANGARATTA VIC 3677

Planning Application

PIn11-206

**Introduction**

This report deals with a planning permit application to develop the site for two dwellings and subdivision of the land into two lots. The application has received one letter of objection and is therefore referred to Council for decision.

A recommendation is made to support the application and that a notice of decision to grant a permit be issued.

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

**Background**

Applicant:	Oxley & Company
Owner:	R C Colville & M J Colville
Subject Land:	Lot 60 PS 615938 Vol 11217 Fol 040 27 Trotman Drive WANGARATTA VIC 3677
Zone:	Residential One
Overlay:	N/A
Permit Trigger	Clause 32.01-2 Subdivision of Land Clause 32.01-4 Construction of two or more dwellings on a lot.

**Proposal**

The application proposes the development of the land for two dwellings and subdivision into two lots at 27 Trotman Drive, Wangaratta.

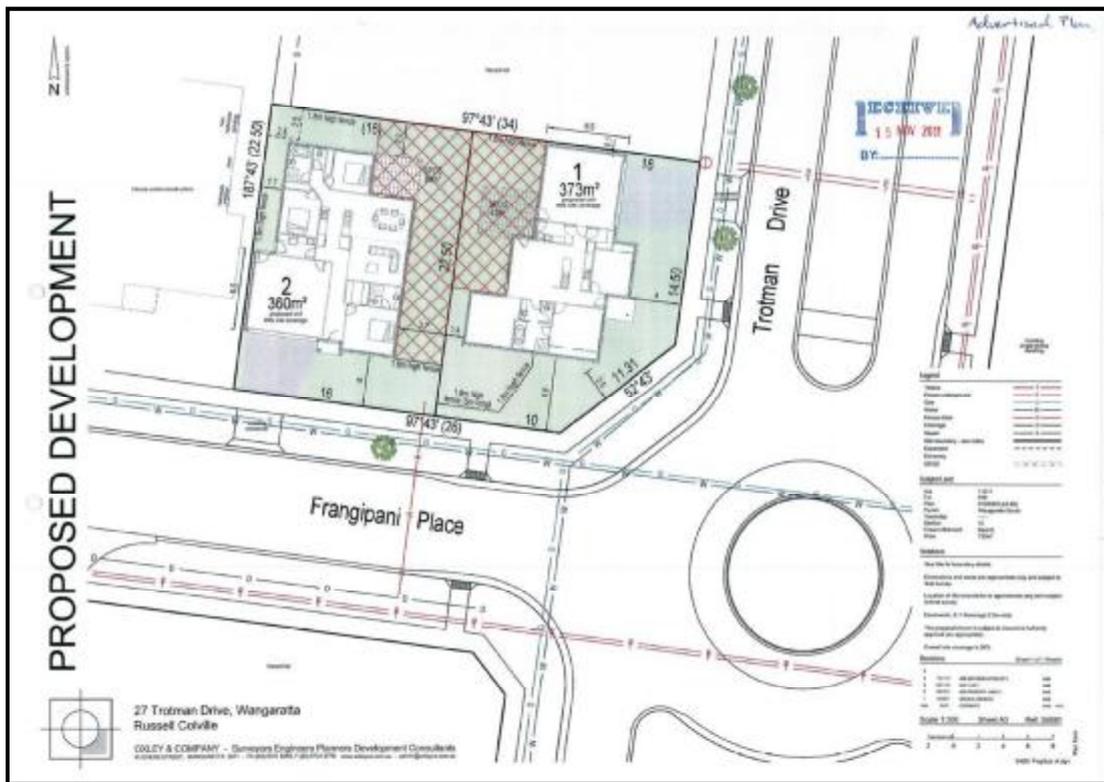
The site is located on the North West corner of Trotman Drive and Frangipani Place. The land is currently vacant, and is located in the recently developed Waldara Residential Estate.

Details of the proposal include the following:

Dwelling 1 is located to address Trotman Drive, and consists of two bedrooms, a kitchen area, dining room, living room, bathroom and a double car garage. The dwelling is to be setback 4 metres from the site's eastern property boundary. Vehicular access is proposed from Trotman Drive with the addition of a new crossover in the north east corner of the land.

Dwelling 2 is located on the western portion of the site and orientated to face Frangipani Place. The dwelling is to have a front building setback of 4 metres and includes three bedrooms, ensuite, bathroom, kitchen and living/dining room. A double car garage is attached to the dwelling with access to the existing vehicular crossover.

The proposed subdivision follows the proposed common boundary fence between dwelling 1 and dwelling 2 and will create lot sizes of 373 sqm and 360 sqm respectively.



Development Plan – 27 Trotman Drive, Wangaratta

### **Subject Site**

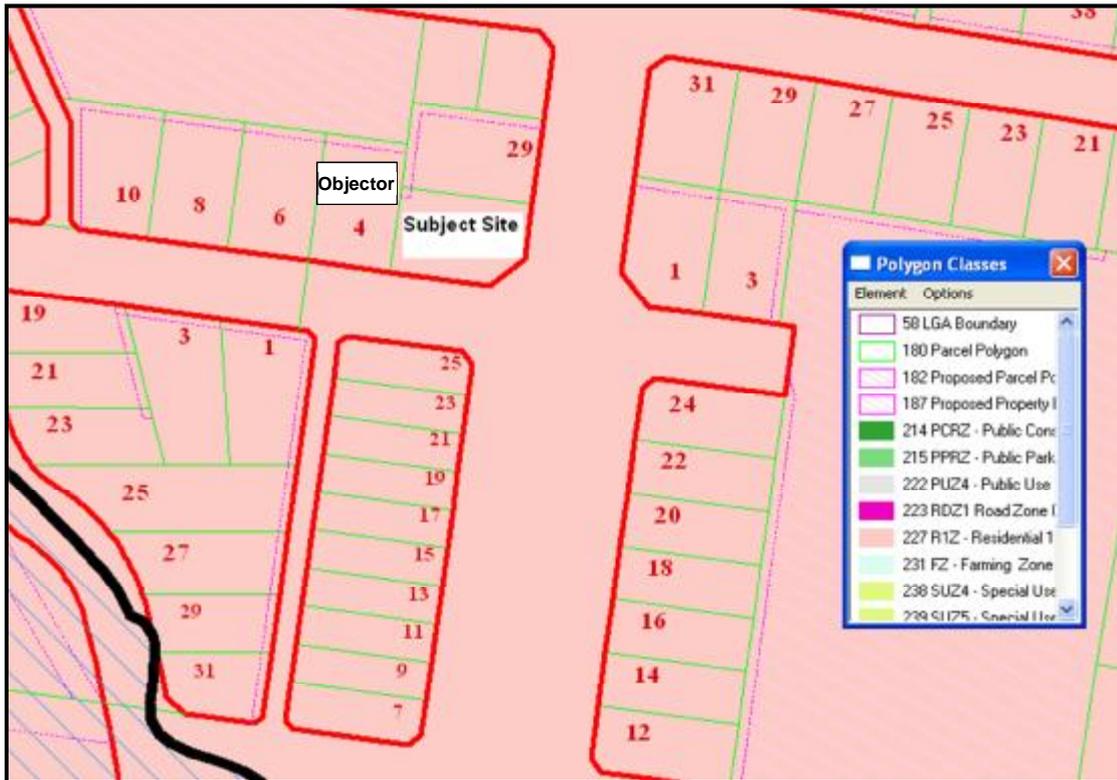
The site is located on the North West corner of Trotman Drive and Frangipani Place. The land is currently vacant, and is located within the recently developed Waldara Residential Estate.

The total land size of the subject site is 733sqm with a general length along the northern boundary of 34 metres and a width of 22.5 metres along the western property boundary. A splay is located within the south east corner of the site.

The land is generally flat and contains some street plantings within the surrounding nature strip. Waldara Estate is a new residential subdivision and dwellings are currently under construction following individual lot take up.

Immediately to the south of the land is a series of medium density dwellings fronting Trotman Drive and containing vehicle access from the rear laneway.

The dwelling located on the adjoining allotment to the west has a front building setback of approximately 4.9 metres.



## Planning Zoning Map

### Locality

The site is located within the Waldara Residential Estate within Wangaratta. Specifically the sites main frontage is to Trotman Drive, which forms the main entrance way to the Waldara estate.

Trotman Drive is characterised by a large medium strip and traffic islands which contain large remnant vegetation which have been complimented by feature landscaping and water sensitive urban design features.

The surrounding area is a developing residential area. The estate contains a number of display homes and dwellings under construction, which are characterised by single storey dwellings.

### Planning Considerations

The site is zoned Residential 1, and is not affected by any overlays. The purpose of the Residential 1 Zone includes:

*“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

*To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*

*To encourage residential development that respects the neighbourhood character.*

*In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.”*

### **The State Planning Policy Framework (SPPF)**

Clause 11.05-4 - Regional Planning Strategies and Principles

*“To develop regions and settlements which have a strong identity, are prosperous and are environmental sustainable.”*

### **The Local Planning Policy Framework (LPPF) - including the Municipal Strategic Statement (MSS) and local planning policies**

Clause 21.06 – Urban Development and Central Activities Area

#### MSS Strategic Directions

##### **“General:**

- *Innovative subdivision and housing design will foster a sense of neighbourhood and community, a sense of place, adequate access, pedestrian and vehicular connectivity, attractive recreational spaces and interaction between people*
- *Future residential design, subdivision, servicing and staging should be guided through the use of development plans and development contributions plans*
- *Protect residential amenity and the environment while providing for economic growth;*
- *Provide a range of affordable housing options.*

##### **Wangaratta:**

- *Recognise Wangaratta as being the main area for immediate and long term serviced residential growth in the municipality;*
- *Recognise and protect the northwest and west of Wangaratta as the preferred residential growth area for immediate and long term residential development;*
- *Provide for some expansion of residential areas to the south of Wangaratta subject to further investigation and provision of drainage”.*

#### **Relevant Particular Provisions**

##### **Clause 55 – Two or more dwellings on a lot and residential buildings.**

The purpose of Clause 55 (Rescode) is listed as follows:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.
- To encourage residential development that provides reasonable standards of amenity for existing and new residents.

- To encourage residential development that is responsive to the site and the neighbourhood.

### **Consultation**

The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987 by:

- Sending notices to the owners and occupiers of adjoining land, 15<sup>th</sup> December, 2011

Council received one (1) letter of objection.

A conciliation meeting was held on Wednesday 29<sup>th</sup> February, 2012. The property owner, Councillor and Council Officer attended the meeting, however the objector was unable to attend the meeting due to unforeseen circumstances.

On review of the concerns raised within the letter of objection, the following comments are provided in response:

#### **Access to Trotman Drive**

Concern has been raised over the addition of a vehicle access point to Trotman Drive, which is restricted by a Section 173 agreement on the land. Council has discretion to grant this access, which is acknowledged within the letter of objection, however, concern is raised if Council was to grant this access that it would infringe on traffic flow and garbage collection etc.

The application was referred to Council's Technical Services Unit for comment on engineering matters and no objection was provided with respect to the approval of the crossover on Trotman Drive.

Therefore, it is not considered that the second crossover will adversely impact on traffic movements within the surrounding area.

**Officer Comment:** Objection not supported

#### **Dwelling Types:**

The dwellings are proposed to have 2 and 3 bedrooms respectively, concern has been raised over the ability of the dwellings to meet the needs of families.

Clause 55 (Rescode) seeks diversification of housing types within unit developments of 10 or more dwellings, in the instance of two dwellings this factor will not be considered.

**Officer Comment:** Objection not supported

#### **Building Setbacks:**

Concern has been raised over a reduction in the 2 metre side setback. Pursuant to Standard B6 (Street setback Clause 55.03-1), the side wall of a dwelling facing the front street should have a side setback of 2 metres. Dwelling 1 complies with this provision with a side wall setback of between 5.8 metres and 2.5 metres

where the dwelling adjoins the splay in the site. The proposal complies with the side setback requirements of the standard.

**Officer Comment:** Objection not supported

**Visitor Car Parking:**

Concern has been raised over the provision of visitor car parking within the development and specifically that the setback of the garage from the respective boundary is insufficient to accommodate a vehicle.

It is acknowledge that a vehicle would not be able to park clear of the street within the front building setback of the garages. However, pursuant to Standard B15, each dwelling is provided with two spaces contained within a double car garage. Visitor car parking is only required at a rate of one space per five units, therefore this development does not generate a requirement for visitor car parking, and therefore complies with this standard.

**Officer Comment:** Objection not supported

**Overlooking**

Overlooking has been raised as an area of concern between dwelling 2 and the recently finished dwelling adjoining the site to the west. Whilst it is acknowledged that two habitable room windows are located within 9 metres, the dwellings are both single storey and are to be separated by a 1.8 metre high fence and therefore meet the requirements of the standard B22.

**Officer Comment:** Objection not supported

**Fencing:**

Objection has been raised over the fence proposed on the western property boundary, which is designated to be 1.8 metres in height. Boundary fencing is a civil matter and controlled by the Fencing Act, therefore in this instance the cost and provision of the boundary fences is a matter between the two property boundaries and should not form a consideration for refusal of this application.

**Officer Comment:** Objection not supported

**Referrals**

Referrals Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Nil

Internal Council Referrals	Advice/Response/Conditions
Engineering	No objection – subject to conditions of permit.
Arborist	No objection to removal of the street tree on Trotman Ave, subject to appropriate re-placement species.

### **The decision guidelines of Clause 65**

This report has demonstrated considerable compliance of the proposal to achieve the provisions of the planning scheme.

### **Assessment**

#### **Municipal Strategic Statement (MSS)**

The proposal is considered to be consistent with the objectives of the MSS, in that it provides for further housing stock to a growing residential area. The proposal provides choice of housing types to suit a variety of needs. Therefore it is considered that the proposal does not raise any inconsistencies with the objectives of the MSS.

#### **Residential 1 Zone**

The proposal is considered to meet the purpose of the Residential One Zone, in that it provides two dwellings on the land, providing a variety of densities and housing types to the surrounding area and market.

#### **Subdivision provisions:**

The application is to subdivide land containing an existing or approved dwelling. It is considered that the subdivision layout is functional, practical and meets the objectives of Clause 32.01-2. A condition should be included on any permit to align the subdivision to the approved development through a Section 173 agreement, should the subdivision occur prior to the completion of the dwellings.

#### **Clause 55 (Two or More Dwellings n a Lot)**

The proposal has been assessed against the requirements of Clause 55 (Rescode) of the Scheme, and generally displays a high level of compliance with the provisions. A copy of the assessment table is attached (**refer attachment**) to this report. Some minor areas of non-compliance have been raised and are discussed below:

#### **Standard B30 – Storage**

The development has not included the provision of external areas of storage to meet the standard. The proposed garages are above the minimum standard with respect to their internal widths, therefore this requirement could be satisfied within this space or within a facility external to the garages.

A condition of permit should be included to nominate these areas on the plans.

#### **Access**

The proposal includes the addition of a new crossover along the Trotman Drive frontage. As discussed previously, the application has been referred to Council's Technical Services Unit and no objection has been provided to the application.

The land is affected by a Section 173 agreement (AG620629S), which restricts access from the lot without further consent of Council.

This planning permit application forms the request for Council consent, as required by the Section 173 agreement. The crossover will be setback in excess of 9 metres from the intersection of Trotman Drive and Frangipani Place, and will not adversely impact on the traffic movements within Trotman Drive.

It is considered appropriate that the additional crossover be supported, given no objection from Council's Technical Services Unit.

A condition of the permit should be included, requiring that both proposed driveways must be re-aligned to match the proposed and existing crossovers, to prevent vehicle movements over the nature strip area.

### **Conclusion**

The proposal has been assessed against the requirements of the Wangaratta Planning Scheme, in particular the requirements of Clause 55, which relate to the development of land for two or more dwellings.

The issues raised within the letter of objection have been considered within this report. On balance the development of two dwellings on the land is considered to be site responsive and takes advantage of the site being a corner lot, which provides individual street frontage and identity for both dwellings.

The dwellings are considered to be responsive to the surrounding neighbourhood character and display a satisfactory level of compliance with the requirements of Clause 55. Where areas of non-compliance have been identified, appropriate conditions of permit can be included to ensure compliance with the standards. Therefore on balance, it is considered appropriate that the proposed development of the site is recommended for approval, subject to the following conditions.

### **Council Plan Objectives**

Council's Plan 2009-2013 provides the following objectives with respect to Infrastructure and Planning:

*'Ensure the Amenity of public and built environments is attractive, safe and practical'*

It is considered that the proposed development achieves this objective through the creation of two dwellings which comply with the requirements of the Wangaratta Planning Scheme.

### **Recommendation**

***That Planning Permit Application No. Pln11-206 for Development of Two (2) Dwellings & Two (2) Lot Subdivision be approved and that a Notice of Decision to grant a Permit be issued subject to the following conditions:***

- 1. Before the development start(s), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:  
(a) the landscape plan as required by condition 17 of the permit.***

- (b) alteration of the driveways for both dwellings to be tapered to align with the single width vehicle crossovers associated with both proposed Lots 1 and 2.**
  - (c) Nomination of the external storage areas to comply with the requirements of Standard B30 (Clause 55.05-6), if these areas are to be provided within the garage areas, they must be provided outside the minimum widths of the proposed double car garages.**
  - (d) Nomination of site services including the provision of mail facilities, rubbish and recycling facilities to each dwelling.**
  - (e) the nomination of a minimum of one (1) canopy tree established at a minimum height of 2.5 metres within the rear private open space of both dwelling 1 and 2.**
  - (f) the nomination of the establishment of a minimum of one (1) canopy tree, established at a minimum height of 2.5 metres at the time of planting and located within the front building setback of both dwellings 1 and 2.**
  - (g) the common boundary fence between lots 1 and 2 nominated as being established at a minimum height of 1.8 metres.**
  - (h) nomination of the removal of the street tree located along Trotman Drive and the replacement of this tree in accordance with the requirements of condition 29 of this permit.**
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.**
- 3. External materials and finishes of both dwellings must comply with the requirements of Covenant ref: AJ116205L registered on the title to the land.**
- 4. All pipes, fixtures, fittings and vents (excluding downpipes) servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.**
- 5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the Responsible Authority.**
- 6. The walls on the boundary facing the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.**
- 7. All surface and stormwater on the subject land, shall be controlled, collected in underground pipes and drained to an approved outlet to the satisfaction of the Responsible Authority.**
- 8. All roof water from buildings and surface water from hard paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge so as to prevent stormwater nuisance to adjoining land.**

9. ***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 / subdivision, the affected infrastructure is to be replaced by the applicant, at the applicants cost to the specification and satisfaction of the Responsible Authority.***
10. ***No construction materials or earth is to be placed or stored outside the site area or the adjoining road reserves. This does not apply to road or footpath construction works on adjoining roads required as part of the permit.***
11. ***Appropriate measures must be taken to retain all silt and sediment on site during construction of the dwellings in accordance with the sediment control principles outlined in Construction techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.***

#### **Subdivision Conditions**

12. ***Prior to the issue of a Statement of Compliance, a stormwater Property Drain Inlet Point 1 to proposed Lot 1 is to be constructed in underground pipes extending from the central medium swale drain at Trotman Drive to within the property boundary to the specification and satisfaction to the Responsible Authority at the cost of the application / owner of the land.***
13. ***Prior to the issue of a Statement of Compliance, drainage infrastructure required by the proposed subdivision is to be constructed in accordance with the plans and specifications approved by the Responsible Authority.***
14. ***Prior to the commencement of the development, the applicant is to obtain a permit from Council for the construction of a sealed access crossover to proposed Lot 1, and this crossover is to be constructed to the standards specified and to the satisfaction of the Responsible Authority.***
15. ***Prior to the issue of a Statement of Compliance, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:***
  - (a) ***constructed;***
  - (b) ***properly formed to such levels that they can be used in accordance with the plans;***
  - (c) ***surfaced with an all-weather-seal coat; and***
  - (d) ***drained,***

***To the satisfaction of the Responsible Authority.***

***Car spaces, access lanes and driveways must be kept available for these purposes at all times.***

16. **All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the responsible authority.**
17. **Before the development starts, 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) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary**
  - (b) Details of surface finishes of pathways and driveways**
  - (c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant**
  - (d) Landscaping and planting within all open areas of the site.**
  - (e) the nomination of a minimum of one (1) canopy tree established at a minimum height of 2.5 metres within the rear private open space of both dwelling 1 and 2.**
  - (f) the nomination of the establishment of a minimum of one (1) canopy tree, established at a minimum height of 2.5 metres at the time of planting and located within the front building setback of both dwellings 1 and 2.**

**All species selected must be to the satisfaction of the Responsible Authority. The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.**

18. **Before the occupation of the dwellings starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.**
19. **The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.**
20. **Before the development starts, a tree protection fence must be erected around the street trees in accordance with the requirements of Australian Standard AS4970-2009 (Protection of Trees on Development Sites) to define a 'Tree Protection Zone'. The fence must be constructed of (specify star pickets and chain mesh or similar) to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed.**
- The ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Responsible Authority.**

21. ***No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.***
22. ***The existing street tree(s) along the Frangipani Place Road frontage must not be removed or damaged.***
23. ***The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, underground 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.***
24. ***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.***
25. ***All existing and proposed easements and sites for existing or required utility services and road 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.***
26. ***Prior to Statement of Compliance, the development of two dwellings hereby approved by the permit must be constructed to the satisfaction of the Responsible Authority or, alternatively, the owner of the land, must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority and such agreement shall require that:***
  - (a) ***Lots 1 and 2 created by Planning Permit 11.206 shall be developed in accordance with requirements and endorsed plans approved pursuant to Planning Permit 11/206.***

***The owner and/or applicant shall prepare and execute the agreement and agree to bear all associated costs, including any cost incurred by Council for the checking of the agreement.***

27. ***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.***
28. ***All existing and proposed easements and sites for existing or required utility services and road 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.***
29. ***Prior to the issue of a Statement of Compliance, the applicant / owner must pay to Council a fee of \$350 + GST for the removal and replacement of the 'brachychiton acerifolius', street tree located within the Trotman Drive Road frontage. A suitable replacement***

***species will be planted by Council and will be located a minimum of 3 metres from the single car crossover approved for Lot 1.***

- 30. This permit will expire if one of the following circumstances applies:**
- (a) The development is not started within two years of the date of this permit, or:***
  - (b) The development is not completed within four years of the date of this permit, or:***
  - (c) The subdivision is not certified under the Subdivision Act 1988 within two (2) years of the date of this permit, or***
  - (d) Provided (c) is complied with the subdivision must be registered with the Lands Title 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.

#### **Permit Notes**

A 'Consent to Work within a Road Reserve' permit is required where works are within public road reserves.

#### **Communication**

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

## **11.2.3 COMMUNITY WELLBEING**

### **11.2.3.1 COMMUNITY GRANTS - MAJOR**

Community Grants

68.040.001

#### **Introduction**

Each year Council provides a Community Grants Program to assist not for profit community groups. This report provides an outline of the Major Category Grant round process undertaken and proposed funding recommendations for the 2011/2012 year.

#### **Background**

Council endorsed a revised process for the delivery of the Community Grants Program at their June 2011 Ordinary Council Meeting.

This process has strengthened the alignment of Community Grants with the community planning and engagement for both rural and urban areas. The total budget allocation for 2011/2012 for the Major category is \$125,000. Community Groups can apply for funds up to \$25,000. The Rural component of funding totals \$100,000 and there is \$25,000 for the Urban component.

The process now includes an Expression of Interest (EOI) submission with a formal application following. The steps of scrutiny and assessment provide greater ability to:

- Identify projects that could be funded through other means;
- Identify opportunities where resources can be shared;
- Ensure there is a community approach; and
- Provide input from across the organisation so to consider a broader range of interests and potential opportunities.

The Major category EOI process was advertised and then closed on 23 September 2011. Council received twenty five EOI's for projects requesting a total of \$472,007. The EOI's were considered by a panel made up representation from the following Council Units:

- Art Gallery;
- Community & Recreation;
- Environment;
- Community Health & Amenity;
- Facilities;
- Technical Services;
- Tourism; and
- Community Wellbeing Management.

The panel assessed each EOI for eligibility using the assessment criteria and guidelines. At the completion of this process, the panel recommended fourteen community groups to proceed to the full application process. There were eleven EOI's rejected based on not fully meeting the Community Grants assessment

criteria and guidelines. Feedback has been provided to each unsuccessful group which included potential alternative funding opportunities where appropriate.

The next stage of the process involved the submission of applications which closed on 16 December 2011. Thirteen applications were received, requesting a total of \$246,452 exceeding the available funds by \$121,452.

The applications were assessed and scored according to the assessment criteria by the assessment panel. The highest scoring applications were funded until the available funds were exhausted. Decisions were based on meeting the following criteria with a weighting as indicated:

- |   |     |
|---|-----|
| • benefits to the community   | 20% |
| • community participation   | 20% |
| • demonstrated connection to the 2030 Community Vision, Council Plan or relevant community plan | 20% |
| • the groups capacity to make a contribution  | 20% |
| • capacity to deliver project; and  | 10% |
| • clearly defined aims & goals of the project   | 10% |

### **Issues**

There was significant community response to the 2011/12 Major Grants round and it is envisaged that the response will increase for the 2012/13 process due to strengthening connections with the Urban and Rural Community Planning.

The most common issues with applications not being successful were:

- groups requested funds for maintenance on Council owned property;
- many applications had not investigated opportunities for joint funding or did not make a significant community contribution;
- groups requested funds for projects on privately owned land; or
- groups needed to undertake more strategic planning before proceeding with their project.

Attached is the scoring matrix sheet from the assessment process showing how the successful applications were determined (***refer attachment***).

The assessment panel was encouraged to consider opportunities to identify a more strategic approach to maximise use of Council funds and achieve greater outcomes.

An opportunity was identified to provide a rural allocation of \$25,000 towards a clustered approach for the Milawa and Greta Football Netball Club applications. This approach also considered the interest from the Tarrawingee Football Netball Club to develop two new netball courts, improve lighting and provide a change room. It is proposed to combine the projects and use an allocation of \$25,000 with the Clubs contributions to leverage Putting Locals First State Government funding. There was concern that the funding provided in each application would be insufficient to achieve a qualitative outcome. Discussion has been undertaken with the Department of Planning and Community Development which have been positive in response to this proposal.

It was determined by the assessment panel that some strategic planning was required by Urban applicant Wangaratta Hardcourt Tennis Association before their project proceeds. It was acknowledged that planning had already commenced between the Hardcourt Tennis Association and the Rovers Football Netball Club but needed to be finalised to ensure that funds were being used to the fullest potential. The planned approach is expected to consider shared facilities as per the recommendations in the 2007 Wangaratta Parklands Masterplan.

## **Implications**

### **Council Plan Outcomes**

To support our community to be resilient.

### **Sustainability**

Pending Council's endorsement \$97,784 will be allocated from the Rural portion of the 2011/12 Community Grants Major category with \$25,000 of the Urban component. Taking into account the community group's contribution, the total value of the project works to be achieved is \$267,851.

### **Community Engagement**

A process has commenced to evaluate the process undertaken for the Community Grants Program, to date feedback from the community has been positive.

## **Conclusion**

A table identifying the Community Grants Major category recommendations, project descriptions, comments and budgets is attached to this report (*refer attachment*).

## **Recommendation**

### ***That Council:***

- Endorse the assessment panel's recommendations for funding to be provided from the Major Category Community Grants Program for the following project applications;***

<b>Project</b>	<b>Amount</b>
<b>Tarrawingee Recreation Reserve – Playground Shade Sail</b>	<b>\$8,600</b>
<b>Milawa Football Netball Club – Clustered Netball Court Development (including Greta and Tarrawingee)</b>	<b>\$25,000</b>
<b>Edi Upper Community Hall – Tennis Court Lighting, playground, covered BBQ, re-locate water tanks</b>	<b>\$25,000</b>
<b>Glenrowan Public Park Reserve – purchase white goods to fit out kitchen</b>	<b>\$25,000</b>
<b>Springhurst Recreation &amp; Community Hall – Upgrade car parking at Hall</b>	<b>\$7,000</b>
<b>Tarrawingee Public Hall Committee – Purchase new furniture and crockery</b>	<b>\$7,184</b>

2. **Endorse the clustered approach to pursue funding from the State Government Putting Locals First funding program to contribute to the Greta, Milawa and Tarrawingee Netball Court developments and allocate \$25,000 for this purpose, funding contributions to be as follows:**

<b>Funding Contributions</b>	<b>Amount</b>
<b>Club's Cash</b>	<b>\$89,111</b>
<b>Club's in-kind</b>	<b>\$16,400</b>
<b>Council Cash (Major Grants)</b>	<b>\$25,000</b>
<b>Grant Funding</b>	<b>\$140,188</b>
<b>PROJECT TOTAL (Inc all three Clubs)</b>	<b>\$270,699</b>

; and

3. **Endorse an allocation of \$25,000 being provided for the Wangaratta Hardcourt Tennis Association once further planning has been undertaken to determine whether the facilities proposed within the application can be part of a shared facility.**

### **Communication**

All applicants will be advised of the outcome of the Major Category Community Grants assessment and approvals, and grants will be distributed to the successful applicants.

#### 11.2.3.2 VOLUNTEER RECOGNITION EVENT

Community Development

60.010.003

### **Introduction**

Following on from the success of the Volunteer Expo in May 2011, the Wangaratta Community Pride Committee in partnership with the Rural City of Wangaratta and Skillsbank (The Centre) propose to host a volunteer recognition event during the 2012 National Volunteers Week.

### **Background**

The Wangaratta Community Pride Committee (the Committee) would like to recognise the valuable contribution that all volunteers make through an event proposed for Monday 14 May 2012.

The proposed event will be held in the King George V Gardens (or St Patrick's Hall if weather is inclement). The event will commence at 11.30am with a Peoplescape, a welcome from the Mayor at 12 noon and a guest speaker at 12.15pm followed by lunch

The Peoplescape is a display of life size cardboard cutouts. It is intended that each volunteer group involved in this event decorate the cutout so to represent their group. The Peoplescape will be placed in the King George V Gardens

creating a festive appeal. The Peoplescape is a new but well utilised method of gaining interest and inclusion already demonstrated in other events across the State and nationally (*refer attachment*).

The aim of having a Peoplescape is to give each group a sense of identity at the event. It is expected to also generate conversation about volunteering in the community. The Committee will establish a sub-committee to work on coordinating the registrations, distribution of cardboard cutouts for decoration and displaying them at the event. The Peoplescapes will also be used as promotional displays at community facilities leading up to the event.

It is envisaged that this inaugural event will:

- recognise and reward the contribution our volunteers make to the community;
- assist in fostering a culture of volunteering among all ages and abilities; and
- support collaboration between volunteer agencies to share information and resources providing opportunities to strengthen volunteering opportunities.

### **Issues**

Activity leading up to the volunteer recognition day will include:

#### **Media Releases**

- Claim the day and promote the event early to avoid duplication of volunteer events;
- Promote the event with an invitation being forwarded to all community groups and organisations. This will include information about the Peoplescape project and a registration form to be involved; and
- A final reminder of the event closer to the date.

The Committee will pursue potential speakers who may be approached to undertake the guest speaker role on the day. Catering options for the day will also be explored.

It is intended that as part of the volunteer recognition a token gift will be provided to volunteers as a token of appreciation to those attending the event.

Forms will be available on the day to gather feedback from participants and will be used to inform future planning for volunteer recognition events.

### **Implications**

#### **Council Plan Outcomes**

Continue to support volunteer recognition activities.

Communicate volunteer opportunities in partnership with agencies such as the Community Skills Bank and Community Learning Centre.

### Sustainability

The volunteer recognition event will be funded from Council's 2011/12 Project, Sustainable Volunteering.

### Community Engagement

The Committee is made up of enthusiastic volunteers who have a passion for building connection and resilience in the community. These volunteers are generally volunteers in other capacities and are able to provide a good indication of what type of event would be meaningful.

### Conclusion

Although the event proposed is not until 14 May 2012 there is an interest to promote the event as early as possible so to reduce duplication by other groups and maximise the involvement of volunteer groups.

### Recommendation

***That Council support the Volunteer recognition event to be held in King George V Gardens on Monday 14 May 2012.***

### Communication

Pending Council's decision a media release will be published and invitations distributed.

## 11.2.3.3 POLICY – COMMUNITY HIRE OF PUBLIC FACILITIES

Hall Hire Insurance

54.020.003

### Introduction

A policy has been developed to provide clarity on the application of a community rate as differentiated from a Commercial rate.

The policy seeks to provide a definition for application across Council owned facilities that are available for hire.

### Background

The proposed policy (***refer attachment***) outlines the application of a community rate for the hire of Council facilities. Its purpose is to ensure that public facilities are affordable and accessible to community groups as well as providing a cost competitive professional service for community use through the Community Rate.

The Community Rate refers to venue hire and other associated charges applicable to the relevant facility as listed in the Rural City of Wangaratta Council Fees and Charges statement.

## **Issues**

The purpose of the policy is to ensure that community groups are encouraged to access council facilities by being offered competitive rates to support their not for profit activities.

In determining the criteria for a community group there may be some existing clients who will have their eligibility for community rates re-assessed.

## **Implications**

### **Council Plan Outcomes**

To work directly with local community groups to support their activities.

### **Policies**

To ensure consistency across all Council facilities it is proposed that a Council policy is required.

### **Community Engagement**

The Wangaratta Performing Arts Centre has been utilising a community pricing strategy since its opening in September 2009 and included consideration of feedback received from community hirers in the development of this policy.

Other business units such as Community and Recreation, Community Health and Amenity and Community Wellbeing have been involved in reviewing the proposed policy.

## **Conclusion**

As a result of defining the term “community” Council will be able to ensure that a subsidy is targeted for community groups to assist in their activities when hiring council facilities.

## **Recommendation**

***That Council adopt the policy “Community Hire of Public Facilities”.***

## 11.2.4 INFRASTRUCTURE SERVICES

### 11.2.4.1 ROAD NAMING PROPOSALS

Place/ Road Naming

73.020.014

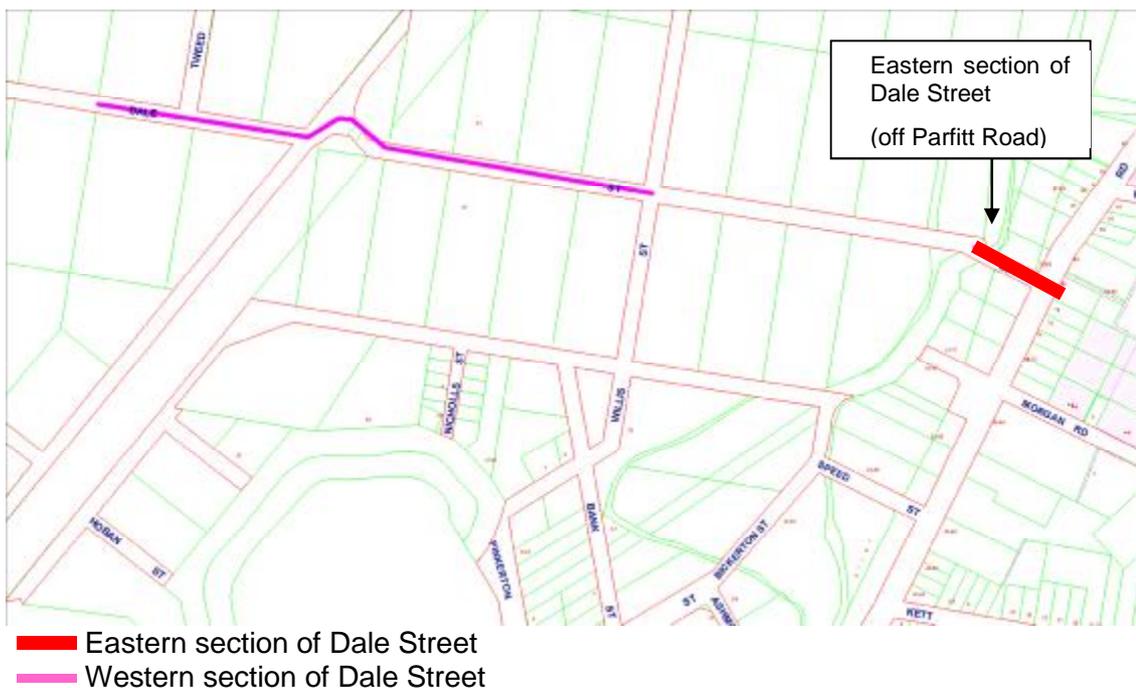
This report details two road naming proposals that were considered at the Place Naming Committee meeting held on 8 February 2012.

#### Background

##### Renaming of the Eastern Section of Dale Street, Wangaratta

For addressing and emergency services purposes a proposal to rename the eastern section of Dale Street has been received by the Place Naming Committee.

Dale Street in the locality of Wangaratta exists as a trafficable road in two sections within a road reserve. See map below:



The Eastern section of the trafficable road commences at Parfitt Road and ends at the Levee Bank and is approximately 150m in length. This section of road is not signed and is used primarily as access to the caravan park. The properties with access from this road are addressed to Parfitt Road.

The Western section of the road commences at Willis Street and is approximately 700m in length. There are two rural addresses on this section of Dale Street.

A new road name is required for the eastern section of the road so that, unique meaningful street addresses can be applied to properties gaining access from this road.

The current situation has the potential to cause confusion for emergency services vehicles accessing properties on the western section of Dale Street.

Prior to the meeting discussions were held with the former owner of the Caravan Park located on the eastern section of Dale Street, who advised that the Caravan Park set up originally by Bill Hill was named the “Regal Caravan Park” and later changed to its current name of the Wangaratta Caravan and Tourist Park.

The Committee considered that the name “Regal” is a short and precise name and has historical significance to the location. Regal is not duplicated elsewhere in the Rural City of Wangaratta. As the roadway is a short no through road that currently allows access only to the Caravan Park the road type “Court” is deemed appropriate.

Therefore the Committee recommends the eastern section of Dale Street be renamed “Regal Court”.

#### Renaming of Glenrowan-Myrtleford Road to Snow Road

A letter has been received from the Milawa Markwood Development Association Inc. seeking Council endorsement for the official renaming of the Glenrowan-Myrtleford Road to Snow Road (commencing at Laceby at the intersection of the Hume Highway and finishing at Gapsted at the intersection with the Great Alpine Road) (*refer attachment*).

The Glenrowan-Myrtleford Road is known widely as the Snow Road and is held in the VicNames registry which provides the first steps towards formally recognising the road name.

Destination-to-destination names are no longer supported in the Guidelines for Geographic Names 2010.

During the rollout of Rural Addressing there was objection to Green Street, Oxley being renamed to allow numbering along the whole of Glenrowan-Myrtleford Road to be continuous. It would be a better addressing outcome if the whole length of road has the same name.

After consideration the Committee recommends the proposal to rename the Glenrowan-Myrtleford Road to Snow Road be further explored by consulting with stakeholders including; VicRoads, Alpine Shire and the Oxley Residents Association for reporting back to a future Council meeting.

#### Recommendation

*That:*

- 1. Council advertise its intention to rename the eastern section of Dale Street to “Regal Court”; and**
- 2. Council to further explore the proposal to rename the Glenrowan-Myrtleford Road to the “Snow Road” by consulting with stakeholders including; VicRoads, Alpine Shire and the Oxley Residents Association.**

### **Communication**

Advertisements will be placed in the Wangaratta Chronicle and stakeholders and referral authorities contacted seeking feedback on the above proposals, for the reporting of feedback received to a future Council meeting.

The Milawa Markwood Development Association will be informed of Council's resolution.

### **11.3 SPECIAL COMMITTEE REPORTS**

Nil.

## 11.4 ADVISORY COMMITTEE REPORTS

### 11.4.1.1 PLACE NAMING COMMITTEE – MEETING REPORT

Place Naming Committee

73.020.014

#### Background

The Place Naming Committee (PNC) held their quarterly meeting on 8 February 2012

Attendees: Cr Anthony Griffiths (Chair), Adrian Gasperoni, Sandra Dalton, Ivan Tippet, Ken Jenvey, Neil Ottaway, Val Gleeson, Julie Allen, Marg Pullen, Helen Guilfoyle, Ken Miller

Adrian Gasperoni declared a conflict of interest in item 5.

The following items were discussed at the meeting:

1. Anzac Commemorative Naming Pilot Project
2. Naming of Cemetery Roads
3. Planning referral for Road naming off Nolan Lane, Tarrawingee
4. Proposal to rename Glenrowan-Myrtleford Road to Snow Road
5. Naming of Access Road off Diffey Road, Everton Upper
6. Renaming of the Eastern Section of Dale Street, Wangaratta
7. Road naming history to be researched by PNC
8. Proposal to name access road off Peipers Lane, Whitfield

#### Recommendation

***That the report be noted.***

### 11.4.1.2 WANGARATTA UNLIMITED (BOARD) ADVISORY COMMITTEE MEETING REPORT

Wangaratta Unlimited Board

25.007.002

#### Background

The Wangaratta Unlimited Advisory Board (Committee) held their monthly meeting on Tuesday 6 March 2012 with the following members in attendance: Barry Sullivan (Chair), Cr Doug McPhie, Cr Lisa McInerney, Stephen Oxley, Grant Jones, Ken Butterworth, Greg Larkins, Helen Haines, Hayley Cail, Doug Sharp, Graham Nickless, Charles Halter, Emma Keith, and Shivaun Brown. Apologies were received from Cr Roberto Paino and Guy Wilkinson.

Mr Greg Larkins declared a possible conflict of interest but the matter did not arise.

The following items were discussed at the meeting:

- Multi deck car park

- South Wangaratta Urban Renewal Project
- Water Plan III
- Draft 2 Rural Land Strategy

Reports were received from the following committees or projects:

- Sports Tourism
- Regional Development Australia
- Business Events
- King Valley Masterplan

The members held a Regional Economic Issues Workshop. The relative state of the prevailing economic environment within the key sectors of our regional economy were considered and discussed. The feedback and advice from the board will be further considered in determining the 2012 – 2015 Economic Development and Tourism Strategic Plan.

The meeting closed at 8.10pm and the next meeting to the Wangaratta Unlimited Board is scheduled for Tuesday 3 April 2012.

### **Recommendation**

***That the Report be noted.***

## 12. RECORDS OF ASSEMBLIES OF COUNCILLORS

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

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

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

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

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

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

DATE	MEETING DETAILS	REFER
14/03/2012	Conciliation Meeting	Attachment
14/03/2012	Draft Agenda and Deputations Meeting	Attachment Following meeting
28/02/2012	Councillors Briefing Forum	Attachment
21/02/2012	Prior to Ordinary Meeting of Council	Attachment
08/02/2012	Place Naming Committee	Item 11.4.1.1
06/02/2012	The Wangaratta Unlimited Advisory Board (Committee)	Item 11.4.1.2

### Recommendation

**That:**

1. **Council receive the reports of Assemblies of Councillors, and**
2. **the items listed below remain confidential in accordance with S.77 of the Local Government Act on the grounds that they relate to one or more of the following matters:**
  - a. **Industrial matters;**
  - b. **Contractual matters;**
  - c. **Proposed developments;**
  - d. **a matter that would prejudice the Council; and**
  - e. **Councillor’s Briefing Forum dated 28 February 2012:**
    - 4.2.1.1 **Status Reports**
    - 4.2.2.1 **Implementation of Council Decisions**

- 4.2.2.2 Draft Council Plan**
- 4.2.4.1 Wangaratta Museum Concept**
- 4.2.5.1 Merriwa Park / Kaluna Park Masterplan Variation Consultation**

**13. NOTICE OF MOTION**

**14. URGENT BUSINESS**

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

Authorisation of Signing & Sealing of Documents

50.010.004

Nil.

**16. PUBLIC QUESTION TIME**

Public Question Time

10.020.004

**17. CONFIDENTIAL BUSINESS**

**18. CLOSURE OF MEETING**