

WANGARATTA RURAL CITY COUNCIL



MINUTES OF THE ORDINARY MEETING
OF THE WANGARATTA RURAL CITY COUNCIL, HELD
IN THE PEECHELBA COMMUNITY FACILITY,
PEECHELBA
ON **TUESDAY, 21 FEBRUARY 2012** AT 7.00PM

Doug Sharp
CHIEF EXECUTIVE OFFICER

As at 16/03/12 1:46 PM

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1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

2. **OPENING PRAYER**

3. **PRESENT**

Chairman: Councillor R Paino, Mayor
Councillor A Griffiths, Councillor D McPhie (departed at 8.50pm), Councillor L McCully, Councillor R Parisotto, Councillor R Webb.

Officers: Mr Doug Sharp (Chief Executive Officer), Mr Adrian Gasperoni (Manager Technical Services), Mr Ray Park (Director – Sustainability), Ms Ruth Tai (Director Community Wellbeing).

4. **ABSENT**

Councillor L McInerney.

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

(Moved: Councillor L McCully/ Councillor R Parisotto)

Recommendation

That:

- 1. Councillor L McInerney be granted leave of absence for the period Tuesday 7 February 2012 to Wednesday 29 February 2012;***
- 2. Councillor R Webb be granted leave of absence for the period Friday 24 February 2012 to Friday 2 March 2012; and***
- 3. Councillor R Paino be granted leave of absence for the period Monday 5 March 2012 to Sunday 18 March 2012.***

Carried.

ORDER OF BUSINESS

6. CITIZENSHIP CEREMONY

No Australian Citizenship ceremony will be held.

7. CONFIRMATION OF MINUTES

(Moved: Councillor R Webb/Councillor R Parisotto)

Recommendation

That the Minutes of the Ordinary Meeting of Council held on 24 January 2012 be taken as read and confirmed as a true and accurate record of the proceedings of the meeting.

8. CONFLICT OF INTEREST DISCLOSURE

Nil.

9. RECEPTION OF PETITIONS

Nil.

10. HEARING OF DEPUTATIONS

Nil.

11. PRESENTATION OF REPORTS

11.1 COUNCILLOR'S REPORTS

Nil.

11.2 OFFICER'S REPORTS

11.2.1 EXECUTIVE SERVICES

11.2.1.1 ACTING MAYOR

Council Meetings

10.020.002

Background

Cr Roberto Paino, Mayor, has indicated that he will be absent from Wangaratta from Monday 5 March 2012 to Sunday 18 March 2012 inclusive.

Issues

To ensure that the affairs of the municipality continue in an orderly manner it is appropriate that an acting Mayor be appointed for this period.

Implications

Council Plan Outcomes

To provide community leadership through the provision of accessible, open and consultative government.

Community Outcomes

The action will maintain a continuity of civic leadership within the community.

Organisational Impact

This action will maintain the position of civic leader during the absence of the Mayor.

Recommendation

That an appointment of Acting Mayor be made for the period Monday 5 March 2012 to Sunday 18 March 2012 inclusive.

(Moved: Councillor L McCully/Councillor A Griffiths)

Recommendation

That Councillor D McPhie be appointed as Acting Mayor for the period Monday 5 March to Sunday 18 March 2012.

Carried.

11.2.1.2 COUNCILLOR PORTFOLIOS AND ASSOCIATED COMMITTEES

Councillor Portfolios

10.010.007

Background

Council operates a system of portfolios as a means of sharing responsibility and workload among individual Councillors in the conduct of their representative duties.

Issues

Council annually reviews the nominated Councillor for each portfolio and associated committees. In undertaking this review, consideration is given to:

- relevance of Committees to portfolio;
- fair and reasonable sharing of workload and time demands; and
- changing circumstances, including the change of Mayor and the forthcoming council election on 27 October 2012.

Outcome

The attached list of portfolios, Council Advisory Committees, Section 86 Committees and associated other committees and bodies are the outcome of the 2012 review and is submitted to Council for endorsement (***refer attachment***).

(Moved: Councillor R Webb/ Councillor D McPhie)

Recommendation:

1. That Councillors be appointed to the following portfolios and associated committee appointments as listed in the attachment:

- | | |
|---|-------------------------------|
| • Mayoral | Councillor R Paino |
| • Environmental Sustainability | Councillor R Webb |
| • Economic Development and Tourism | Councillor L McInerney |
| • Arts, Culture and Heritage | Councillor R Parisotto |
| • Sport and Recreation | Councillor D McPhie |
| • Community Wellbeing | Councillor L McCully |
| • Infrastructure and Planning | Councillor A Griffiths |

2. That the immediate past Mayor be appointed to the Audit Advisory Committee (Councillor Griffiths)

Carried.

11.2.1.3 PROPOSED MURRAY DARLING BASIN PLAN

Water Supply Issues

82.090.002

Introduction

Council has made a submission on the proposed Murray Darling Basin Plan in support of the proposed Basin Plan outcomes for the Ovens system as far as they are known. With a deadline for submissions of 16 April 2012, the community is encouraged to ensure that the interests of the north east catchments are made known to the Murray Darling Basin Authority.

Background

At the Council meeting of 13 December 2011 it was reported that the proposed Basin Plan provides for the following:

- a reduction of 2,750 GL/y from the BDLs to achieve environmentally sustainable levels of water use;
- no reduction to the BDL applying to the Ovens system for surface water to achieve the required SDL;
- an increase in SDLs for ground water in respect to the Ovens system by 2 GL/y; and
- no change for surface extractions for both the Kiewa and Broken systems.

Based on these proposals, the arguments put forward by the Rural City of Wangaratta in respect to the Ovens system were considered to have been positively responded to by the Murray Darling Basin Authority.

Council resolved that:

1. that a submission be made to the MDBA reinforcing the case in support of the current proposals for the Ovens system in the proposed Basin Plan;
2. continue to advocate through the various forums available; and
3. that the Federal Minister for Water and the State Minister for Water and local members be advised accordingly for support for Council's position on this matter.

Issues

The deadline for making submissions on the proposed Basin Plan is nearing.

Council's submission contains six key points:

1. The Rural City of Wangaratta is one of seven councils that comprise the North East Victorian catchment of the Murray Darling Basin. It includes the Ovens system and is vitally interested in its future.
2. We support the proposed Basin Plan outcomes as far as they are known. The unknown is the proposed review of the Basin Plan in 2015.
3. The current proposals support the Rural City of Wangaratta's attempt to:
 - provide security of water supply for agriculture;
 - expand the Alpine Valleys Agri-Food concept;

- provide for efficient use of water closest to its source; and
 - protect the natural flow and heritage status of the Ovens River.
4. Importantly, the proposed Basin Plan corrects the perverse outcomes for the Ovens system as identified and acknowledged with the original Basin Plan.
 5. We acknowledge and support the adaptive management approach rather than a strict water volume target being taken in the proposed Plan for meeting the Murray's sustainable needs. We believe this fits with the Windsor Enquiry recommendations and the Rural City of Wangaratta's view previously expressed that there may be alternative ways to achieve environmental flows for the Murray from the Ovens catchment based on water management rather than water volume.
 6. While we support the 2015 review in order to give meaning to the adaptive management approach, it does leave an unknown which conditions our support to what is known or intended now.

A full copy of this submission is attached (***refer attachment***).

Implications

It is important that the interests of north-east Victorian catchments are strongly put to the MDBA. Ideally this should not just be just by Council, but also from the broader community and in particular key interest groups.

(Moved: Councillor A Griffiths/Councillor R Webb)

Recommendation

That this report and Council's submission to the Murray Darling Basin Authority be circulated to various interest groups encouraging them to make submission on the proposed Basin Plan.

11.2.1.4 COUNCIL PLAN – PROGRESS REPORT

Council Plan

20.030.001

Introduction

A report is provided on Council's performance against the Council Plan for the period 1 October 2011 – 31 December 2011 (***refer attachment***).

Background

Part of Council's mission is to provide the leadership necessary to maintain open communication and consultation. Providing regular reports to the community on

Council's progress in achieving the objectives and strategies of the Council Plan contributes to this.

Highlights:

- AFL NAB Cup game between Essendon and St. Kilda confirmed;
- Satisfactory audit of Council's finances;
- State Government funding announced to complete Whitfield Community Centre project;
- No material changes to the budget necessitating a formal "Revised Budget" process;
- Shade sails installed at Batchelors Green and King George V Memorial Gardens playgrounds;
- New playground and shade sails installed at Whorouly;
- Showgrounds lighting to AFL standard completed;
- Implementation of the Planning Application processing system on Councils computer business system, Technology One;
- Successful delivery of the Christmas Program and New Year's Eve celebrations;
- Increased participation in the 53 events which comprised the 2011 Senior's Festival;
- Participation in the "My Backyard Rules - Sustainable Living Expo" on 15 October with over 500 people attending;
- Completion of new Kindergarten at the Wangaratta Children's Services Centre with 22 enrolments for the commencement of the 2012 year;
- The Creative Youth Committee organised a youth Jazz event in Wangaratta as part of the Jazz Festival which was very well attended and a great success; and
- The Wangaratta Art Gallery exhibitions attracted 10,024 visitors over the period October to December 2011.

Challenges:

- Completion of the Showgrounds Redevelopment to coincide with The AFL NAB Cup game;
- Preparation of a second draft of the Rural Land Strategy in accordance with indicative Council timeframes;
- Progression of the King Valley Masterplan to ensure outcomes are considered in the Rural Land Strategy where relevant;
- Nuplex Chemical incident;
- There are insufficient Educators to meet the ongoing demand for Family Day Care services. The number of hours provided are reducing as Educators withdraw from the service for a range of reasons and cannot be replaced;
- The Department of Human Services (Housing Program) is yet to activate the transfer of the Max Parkinson Lodge building back to the Housing Program as requested by Council. Ongoing contact is being maintained with no action resulting;
- Steering a path through EPA and audit processes for the construction of Cell 8 at the Bowser landfill; and

- The approach to the Rural Heritage Overlay is being reviewed.

(Moved: Councillor R Webb/Councillor D McPhie)

Recommendation

That Council receive the Council Plan Progress Report for the reporting period 1 October 2011 – 31 December 2011.

Carried.

11.2.1.5 **DIRECTORATE ACTIVITY REPORTS**

Council Plan

20.030.001

Introduction

Part of Council's mission is to provide the leadership necessary to maintain open communication and consultation. Providing regular reports to the community on the organisation's activities contributes to this.

Background

A report is provided on the organisation's activities for the period 1 October 2011 – 31 December 2011.

Issues

This report describes those activities of Council which were undertaken during the reporting period and which are neither subject to an individual Council Report nor detailed in the Council Plan Program Report.

Directorate Activity Report for October 2011 – December 2011 attached (***refer attachment***).

(Moved: Councillor L McCully/Councillor D McPhie)

Recommendation

That Council receive the Directorate Activity Report for the reporting period October 2011 – 31 December 2011.

Carried.

11.2.1.6 SHOWGROUNDS REDEVELOPMENT: AFL NAB CUP GAME

VFL / AFL

25.020.001

Introduction

The Showgrounds Redevelopment Project is nearing completion in readiness for an official launch on 3 March 2012. Arrangements for the launch and the coinciding AFL NAB Cup game are being finalised.

Background

At Council's December 2011 meeting it was reported that the AFL had scheduled a competition NAB Cup game between Essendon and St Kilda on 3 March 2012 to coincide with the official opening of the redeveloped Showgrounds facility. In order to take maximum advantage of this opportunity and co-ordinate stakeholder involvement, Council resolved to establish a Match Day Committee to oversee requirements associated with the game and a Steering Group to explore other opportunities that can leverage off the game.

Status

- All works associated with the Showgrounds Redevelopment are expected to be completed by the week ending 24 February 2012.
- The Match Day Committee has been meeting regularly to oversee logistics, traffic management, security, volunteer support, catering and other requirements associated with the day. All these matters are in hand.
- Planning for the day is based on a crowd of 10,000+ spectators.
- Ticket sales, as at 16 February 2012, are 5,600 and increasing steadily. Most sales are occurring through the Wangaratta Performing Arts Centre ticket office.
- Due to AFL requirements, there will be no curtain-raiser games played, but other events are being planned.
- The official launch is scheduled for 6:30pm with the Mayor, State Minister for Sport and Recreation Hugh Delahunty, and an AFL representative participating.
- The AFL NAB Cup game begins at 7:00pm sharp.
- Four AusKick games will be played at half time.
- The Steering Group has planned a program of events over the weekend commencing with a live broadcast by 3NE/Edge FM from the Wangaratta Performing Arts Centre on Friday afternoon promoting:
 - King Valley Prosecco Road lunch experience on Saturday 3 March;
 - The AFL NAB Cup game that evening;
 - Wangaratta Cup meeting on Sunday 4 March.
- There is cross-promotion and support being given to each of these events. A brochure to this effect has been released and is attached.
- The name "Wangaratta Sports Development Centre" has been given to the new building in recognition of it not only as a change-room and amenities

facility for various sports, but its wider administrative and community function.

(Moved: Councillor D McPhie/Councillor L McCully)

Recommendation

That the report be noted.

Carried.

11.2.2 SUSTAINABILITY

11.2.2.1 RURAL LAND STRATEGY DRAFT 2

Draft 2 Rural Land Strategy

73.030.056

Introduction

In March 2011 Council resolved to adopt a Draft Rural Land Strategy, put it on public exhibition and undertake a program of community consultation.

This report details the outcomes of the consultation process, the reassessment that has occurred, the proposals that have now been developed and the documentation to support those proposals.

The proposed further stages of this project are also outlined.

Attached to this report is the:

- Background and Issues paper;
- Draft 2 Rural Land Strategy; and
- Landscape Assessment.

Background

The proposals contained within the Draft Rural Land Strategy (DRLS), released for consultation in March 2011, can be summarised as:

- Increasing the permit trigger, or as-of-right, for a dwelling, in the Farming zone from 40ha to 250ha.
- Increasing the minimum size, for a lot created by subdivision, from 40ha to 50ha in the Rural Activity zone, to 100ha in the Rural Conservation zone and to 100ha in the Farming zone.
- Applying the Rural Conservation zone to land parcels where the extent of vegetation indicated that the land would not be used for farming purposes
- Applying the Rural Activity zone to facilitate rural based tourism in the Milawa-Oxley and King Valley areas.
- Applying a Significant Landscape Overlay to parts of the King Valley and also Glenrowan Gap.
- Applying dwelling policy to areas of the Farming zone at Greta West and Wangandary.
- Draft local Policies dealing with Rural Dwellings, Rural Subdivisions and Excision, and Tourism in Rural Areas.

Consultation Process and Feedback

An extensive consultation process was conducted. The activities included:

1. one-on-one meetings between planning staff and approximately 340 community members;
2. four public meetings attracted more than 900 participants although many attended more than one meeting; and
3. written submissions: 395 submissions were received.

A number of concerns were expressed throughout the consultations. These were:

- changing minimum lot size for as-of-right dwelling and subdivision would impact negatively on the value of farming land and may result in loss of equity in the farm;
- the proposed changes were based on a “one-size-fits-all” approach which didn’t adequately consider diverse communities, topography or agricultural practices;
- changes impact on succession planning, superannuation and intergenerational hand over of farms;
- Rural Conservation Zone did not provide additional protection for native vegetation but would impact on the continued use of this land for farming;
- changing subdivision and dwelling arrangements would de-populate rural areas and the social or economic impacts had not been examined;
- some rural villages did not appear to have been considered;
- the contribution of part-time farmers, with off-farm income, to community capacity and agricultural production had been undervalued.

Apart from the concerns, there were several themes found in many submissions.

For some of these a broad range of views were expressed. For instance:

Right to Farm - comments ranged from “hasn’t existed for 20 years”, “can be used as an excuse for poor farming practices”, “EPA should be less diligent” to “all land buyers should sign acknowledging that they are buying into a farming area.”

Right to Build - a significant number of submissions either asserted or demanded the right for a dwelling to be built on every lot irrespective of size or location.

40ha as of right – a number of submissions favoured continuing with the 40ha minimum for dwellings and subdivision. Reasons were that it had provided some certainty or was too large not to farm in some way. However, there were also views that 40ha was too large for some seeking rural lifestyle where the land became a source of problems and was lost to agriculture.

Flexibility – a number of submissions proposed a flexible system where applications were decided on a case-by-case basis. Others cast doubt on Council’s ability to determine planning matters related to rural areas or agriculture.

A significant number of submissions (more than 50) offered suggestions for further improving the Strategy. These included leaving the current arrangements in place, arrangements for single dwellings for succession purposes, the “grandfathering” of existing rights, a phase-in for any new arrangements, the idea of transferrable development rights to direct dwelling development to particular areas and alterations to the rating systems to provide more incentive or support for larger farms.

Background and Issues Paper

Background material that contributed to the DRLS has been reviewed, further data collected and analysed and a Background and Issues Paper developed.

This paper:

- summarises the State and Local Planning arrangements;
- describes relevant aspects of almost 20 State and local long-term planning projects;
- includes outcomes of a literature review;
- sets out the results of project assessing the importance of agriculture in Wangaratta;
- presents a summary of demographic data and also property related data including sales and planning and building approvals;
- contains mapping of the physical attributes of the rural areas; and
- analyses the agricultural land and land uses

The paper draws a number of conclusions and identifies several issues for further consideration.

Agriculture and Agribusiness Advisory Committee (AAAC)

In June 2011 Council also established an Agriculture and Agribusiness Advisory Committee (AAAC). The role of the Committee, among other things, is to provide input into planning and policy development relating to agriculture and agribusiness and to advise on agricultural land and water resource issues.

The AAAC was provided with a the Background and Issues Paper, a sample of literature regarding rural planning and agriculture, access to submissions received by Council in response to the DRLS as well as a summary report that was subsequently publicly released.

The AAAC also participated in a tour of rural areas of the municipality to gain a collective understanding of opportunities and issues.

Development of Proposals

After considering the elements of the DRLS, feedback received and considering all of the material contained in the Background and Issues paper, a Draft 2 Rural Land Strategy, including a set of proposals, was developed for consideration by the AAAC.

These Draft 2 Rural Land Strategy proposals responded to 13 matters and suggested a range of actions including abandoning certain elements of the DRLS, refining others and introducing alternative approaches.

The proposals were considered by the AAAC over several meetings. Several were refined and modified and recommendations regarding the proposals were subsequently considered by a workshop of Councillors.

The proposals, together with background, evidence and rationale are set out in more detail in the Draft 2 Rural Land Strategy. Each proposal is set out below together with the AAAC recommendation.

Proposal 1: Minimum lot sizes for dwellings in the Farming zone

Retain 40ha as the minimum lot size for an as of right for a dwelling in the Farming zone for lots that currently exist.

The AAAC supported this proposal.

Proposal 2: Dwellings on small lots in Farming zone**1. Dwelling necessary for the agricultural activity:**

Council policy will continue to discourage dwellings in the Farming zone unless the dwelling is reasonably required for the operation of the agricultural activity and the dwelling density of not more than one dwelling per 40ha can be maintained.

The AAAC supported this proposal.

2. Isolated lots with no agricultural value

Council policy will continue to discourage dwellings in the Farming zone unless it can be demonstrated that the dwelling satisfies the following criteria:

- small lot less than 4ha;
- be of minimal agricultural value e.g. low agricultural versatility;
- not be able to be physically consolidated with other agricultural land;
- has access via a road in Council's Register of Public Roads;
- complies with Ministerial Guideline regarding development in a Water Supply Catchment;
- is not the result of a new subdivision(after 1 July 2012);
- has no access to irrigation water;
- surrounded by roads, rail, public land or residential development;
- not totally covered by an overlay;
- has waste water disposal adequacy; and
- has adequate water supply.

The AAAC supported this proposal, but including a 2ha lot size. 4ha is preferred given that other criteria must also be met.

Proposal 3: Minimum lot sizes for subdivisions in the Farming zone

Lots created by subdivision after 1 July 2012, must be 40ha or more and will not have an automatic right to a dwelling.

The AAAC supported this proposal but also recommended "That the approval process for future subdivisions include an assessment of the impact on the natural resources of the locality as a result of additional potential dwellings created by the subdivisions."

This recommendation is not supported because the Decision Guidelines for the Farming zone already require consideration of sustainable land management and

the impact of the proposal on the natural physical features and resources of the area.

Proposal 4: Excisions

Council seeks Ministerial support for a removal of the clause enabling the excision of an existing dwelling, from the Farming zone.

In the event that the Minister will not support that proposal, then Council policy will:

- strongly discourage excisions; and
- where excisions are approved, that it be on the proviso that the balance lot must be greater than 40ha and further subdivision or construction of a new dwelling, on the balance lot will be prohibited.

The AAAC did not make a recommendation on this proposal.

Proposal 5: Second and subsequent dwellings on a lot

Council policy will support second and subsequent dwellings on the same title as existing farm dwellings and/or infrastructure. Approval for the dwelling would be conditional on entering an agreement that would carry over with any change of ownership, that the dwellings could not be subdivided or excised from the original title.

The AAAC supported this proposal.

Proposal 6: Tourism to build on and diversify agricultural activity

Continue to apply the Farming zone to areas with tourism potential (except as further specified below) but to seek approval from the Minister to relax the limits on Bed and Breakfast and Group Accommodation.

The AAAC supported this proposal.

Proposal 7: Grow the villages

Zoning anomalies around the northern township boundary of Milawa, on the western boundary of Oxley, and in Everton will be corrected as part of this Draft 2 Rural Land Strategy. However, the expansion and finalisation of the boundaries of all villages will form part of the Housing and Population Strategy that is currently being completed.

The AAAC supported this proposal.

Proposal 8: Landscape protection of key areas

1. A schedule to the Farming zone be amended so that any proposed building within 200 metres of the Wangaratta Whitfield Road and the King Valley Road requires a planning permit. A new local policy be developed to provide for consideration of the siting and design of buildings.

2. A Significant Landscape Overlay be applied to a 500 metre stretch of land east of the Hume Freeway from Laceby Glenrowan Road to Glenrowan Myrtleford Road.
3. That additional information about the significance of the area, and control over vegetation removal, be added to the Schedule to the Significant Landscape Overlay already applying to the Warby Ranges area.

The AAAC supported these proposals.

Proposal 9: Glenrowan Myrtleford Road – Oxley to Markwood

Apply the Rural Activity zone to a narrow strip extending north and south of the Glenrowan Myrtleford Road from the Wangaratta Whitfield Road at Oxley to Carbour Road at Markwood, generally bounded to the south by Colemans Lane and to the north by Oxley Flats Road and partly by the Markwood-Tarrowingee Road.

The minimum lot size for subdivision should be retained at 40 hectares so that predominant rural landscape is not further fragmented and separation between buildings, tourism uses and existing farming uses can be maintained.

To have a local policy to support and encourage uses in association with food and wine tourism, including a range of accommodation and recreational opportunities and to ensure adequate consideration to landscape and heritage characteristics, including the views and vistas to and from Oxley and Milawa townships.

The AAAC supported these proposals.

Proposal 10: West Wangaratta/Warby Ranges precinct

To rezone the locality to Rural Activity zone, maintain the 40 hectare minimum lot size for subdivision and use local policy to guide the transition of this locality for urban growth, rural living demand and agricultural uses, particularly encouraging equine related land use close to the existing TAFE and Racecourse. As a result, applications for dwellings necessary for the conduct of equine activities will be favorably considered in this area.

Issues surrounding rural residential uses in this precinct will be considered in detail in Council's Housing and Population Strategy where recommendations may contribute to the policy for this area.

The AAAC supported this proposal but also recommended “ the inclusion of adjustments to the northern boundary from Chicks Road to the municipal boundary at Peechelba.”

This additional recommendation is not supported because land subdivision patterns, land uses and the pressures for development are substantially different in the areas north of Chicks Road and are not suited to the proposed Rural Activity zone.

Proposal 11: Rural Conservation Zone and Wildfire Management Overlay

Not proceed with expansion of either Rural Conservation zone or Wildfire Management Overlay.

The AAAC supported this proposal.

Proposal 12: Rating

Council review its rating strategy to ensure that landowners are not disadvantaged by rate increases that occur because the zoning has changed but the agricultural land use has not.

The AAAC supported the proposal and recommended that if the farming use doesn't change then there should be no change to rating if the zone changes. This recommendation has been incorporated into the proposal.

Proposal 13: Decision making and Delegation

That:

- all applications relating to the Farming zone or Rural Activity zone be decided by the Council; and
- Council continues the practice of seeking expert input into consideration of applications as required.

The AAAC supported this proposal.

Guiding Principles

At its Meeting on 18 October 2011 Council adopted the following principles to guide the development of this strategy.

This Draft 2 Rural Land Strategy consists of a number of proposals, some of which are interdependent. The strategy as a whole, rather than individual actions, has been tested against the principles.

Principles	Comments
<p>1. Capacity Must provide for the fair, orderly, economic and sustainable use and development of the available rural land.</p>	<p>The statutory objective of land use planning is to achieve sustainable land use in the long term. The proposals are considered to be equitable, clear and simple. Their economic, social and environmental impact will be assessed as part of the Impact Assessment following the next consultation phase.</p>
<p>2. Characteristics Actions must take into account existing agricultural characteristics such as land capability, value and existing use.</p>	<p>Proposed actions have been framed taking into account existing land use, soil versatility, water availability.</p>

Principles	Comments
<p>3. 2030 Community Vision Objectives</p> <ul style="list-style-type: none"> • The rural areas separating townships should remain essentially productive and viable agricultural properties or Crown Land; • Conservation and enhancement of our local natural environment and the sustainable use of the natural resources by the local community; and • High value agricultural land and open rural landscapes are protected from development and fragmentation. 	<p>The strategy aims to ensure that agriculture remains the predominant land use. In three areas additional controls are proposed to protect landscapes.</p>
<p>4. Planning Objectives</p> <ul style="list-style-type: none"> • Preserving farming land for productive agriculture; • Providing flexibility for tourism, accommodation and agribusiness; • Recognising that areas of rural living are lost to productive agriculture; • Protecting landscape amenity; and • Application of zoning provisions or overlays should not impede farm practices and should recognise a planning horizon of at least 30 years. 	<p>All these objectives are clearly articulated as desired outcomes of the strategy.</p>
<p>5. Diversity Must recognise diversity and difference in rural land use across the Rural City – “one size does not fit all”.</p>	<p>The principle of diversity has been balanced with the need for a fair response as well as the need for simplicity. The use of the same minimum lot sizes, irrespective of location, attempts to be fair to all, by not advantaging some locations over others, and also provide a clear and simple approach.</p> <p>The use of a variety of responses including specific application of Farming and Rural Activity zones, a local policy dealing with land lost to agriculture and the further review of township are all responses to community diversity.</p>
<p>6. Succession Planning Must address the present and future</p>	<p>Recognises the existing rights of development of current land owners.</p>

Principles	Comments
interests of all landowners, ensuring that future farm planning opportunities are provided.	Relaxation of controls over multiple dwellings on a single lot attempts to provide a solution for intergenerational transfer.
7. Evidence Based Outcomes must be evidence based, recognising existing farm practices and trends, while providing for future farming opportunities.	The Background and Issues Paper provides a substantial body of material for input to the process.
8. Simplicity Must be clear, simple and certain.	Actions proposed are generally simple, consistent with current arrangements and apply “across the board”.
9. Community Must recognise and support sustainable and resilient communities	The strategy supports agricultural use, the key economic provider for many rural residents, as well as supporting expansion of rural villages.

Social Economic and Environmental Impact Assessment

During the consultation phase of the DRLS it was agreed that a Social and Economic Impact Assessment should be made of any future rural land strategy. Community involvement is an essential aspect of successful social and economic assessment. As a result it is proposed to combine the consultation phase of this Draft 2 Rural Land Strategy with the collection and analysis of concerns of interested and affected parties.

The project will culminate in a report to Council that considers each of the 13 proposals contained in the revised draft Rural Land Strategy, and for each proposal:

- Identify potential social, economic and environmental impacts of the proposal.
- Present an independent assessment of the significance of each identified impact.
- Identify community perspectives on the likely impacts of the proposal
- Present a concluding comment on the impact of the proposal and any recommendations to Council.

Lockyeri Pty Ltd, with experience in social, economic and environmental impact assessments, as well as a broad knowledge of the Wangaratta community through involvement in Wangaratta 2030 Community Vision project, has been engaged to carry out the consultation, collection and analysis of concerns.

Peer Review

Habitat planning, a town planning and environmental assessment company were engaged to carry out a peer review.

The purpose of the review was to ascertain whether the Revised Strategy had a sound basis for its recommendations. The review found that:

- “The draft Background and Issues Paper is thoroughly researched and professionally presented report. It adequately covers all elements having an influence on rural planning in Wangaratta and there are no obvious gaps. The report makes a fair summary and interpretation of those elements that I am familiar with”.
- “The second draft Rural Land Strategy does a good job identifying and summarising the issues surrounding rural land. Where relevant, it presents both sides of the argument before making recommendation (“proposal”) and avoids the temptation to only present the view that supports the outcome”.

“In conclusion, the second draft Rural Land Strategy provides a strong planning reference for the future use and development of rural land in Wangaratta, despite a ‘watering down’ of some of the original proposals”.

Consultation

Tuesday 21 February	Council Meeting to consider Draft 2 Rural Land Strategy
Wednesday 22 February	Mail out to rural ratepayers and key interest groups
Friday 24 February	Information in local media
Friday 24 February	Public submissions open
Thursday 1 March – Thursday 8 March	Meetings with key interest groups
Monday 19 March	Public Information Night – Whorouly
Thursday 22 March	Public Information Night – Springhurst
Monday 26 March	Public Information Night – Moyhu
Wednesday 28 March	Public Information Night – Wangaratta
Wednesday 11 April	Public submissions close
Tuesday 24 April	Submit Impact Assessment Report (final)

The DRLS attracted almost 400 written submissions and at that time there was some community interest in accessing those submissions. However, privacy restrictions prevented that access.

It is proposed that Council’s website be used to provide access to all submission in this next round of consultation. As a result it will be necessary to provide advance notice that Council intends to make all submissions publicly available.

Implications

Council Plan Outcomes

The Council Plan, adjusted in 2011, includes an Action to Implement the Rural Land Strategy.

Policies

The Wangaratta Planning Scheme contains the following action: “Undertake a rural lands study to assess the agricultural, mixed farming, lifestyle farming and environmental conditions of rural land, making recommendations on the application of the Rural Activity and Rural Conservation zones

Sustainability

The outcomes of this project will be assessed by the Social, Economic and environmental Impact Assessment to be carried out by Lockyeri.

Community Engagement

The Community Engagement plan is outlined in this report.

Conclusion

Draft 2 Rural Land Strategy consists of a number of proposals that are substantially changed from the DRLS released for consultation in March 2011.

Draft 2 proposes:

- Retaining the as of right for a dwelling in the Farming zone at 40ha whereas the DRLS proposed a 250ha minimum lot size.
- That, in certain circumstances, dwellings will be approved on lots less than 40ha in the Farming zone.
- That the minimum lot size to be created by subdivision be 40ha in the Farming zone whereas the DRLS proposed increasing minimum lot sizes to 100ha in the Farming zone.
- That new lots created in the Farming zone after 1 July 2012 must be at least 40ha and will not have an automatic right to a dwelling.
- Tightening the arrangements for excisions of houses in the Farming zone.
- Allowing additional dwellings on a lot in the Farming zone.
- Not proceeding with the expansion of either the Rural Conservation zone or the Wildfire Management Overlay.
- Not proceeding with the Significant Landscape Overlay for the King Valley but to introduce limited control over development in a 200m strip either side of the Wangaratta Whitfield Road and the King Valley Road from Moyhu to Cheshunt.
- Supporting tourism development based on agriculture by continuing to apply the Farming zone and not the Rural Activity zone to areas of the King Valley.
- To apply a Significant Landscape Overlay to parts of the Glenrowan Gap.
- Applying the Rural Activity zone to a strip along the Glenrowan Myrtleford Road from Oxley to Markwood.

- Applying the Rural Activity zone to an area between urban Wangaratta and the Warby Ranges from Glenrowan to a point north of Wangaratta
- Ensuring that zone changes do not result in rate increases where the agricultural land use does not change.
- That all planning applications relating to the Farming zone or Rural Activity zone be determined by Council.

Conflict of interest

The Director Sustainability, one of the authors of this report, has a direct conflict of interest as a result of one of the proposals of the draft Strategy.

(Moved: Councillor R Webb/Councillor D McPhie)

Recommendation

That Council:

- 1. give notice that a Draft 2 Rural Land Strategy has been prepared;***
- 2. approve the proposed consultation process and program of activities including the preparation of a Social, Economic and Environmental Assessment;***
- 3. inform the Minister for Planning on the process and content of Draft 2 Rural Land Strategy;***
- 4. give notice that all submissions made in response to Draft 2 Rural Land Strategy, will be made publicly available; and***
- 5. consider the submissions, the Social, Economic and Environmental Impact Assessment Report and resolve a final position on this matter without delay.***

Carried.

Councillor D McPhie left the meeting at this point.

11.2.2.2 PLANNING PERMIT APPLICATION PLN11-059 - TWO (2) LOT SUBDIVISION AND DEVELOPMENT OF TWO (2) DWELLINGS AT 97 GRETA ROAD WANGARATTA VIC 3677

Planning Application

Pln11-059

Introduction

This report deals with a permit application to develop the site for two (2) dwellings and subdivision of the land into two (2) lots. A recommendation is made to not support the application and that a notice of refusal should 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: Brock A Gratton & Toni M Goulet-Gratton

Subject Land: Lot 186 LP 59046 Vol 8626 Fol 411
 97 Greta Road WANGARATTA VIC 3677
 Zone: Residential 1 Zone
 Overlay: N/A
 Permit Trigger Development of Two (2) Dwellings and Two (2) Lot
 Subdivision

Proposal

The application proposes the development of the land for two (2) dwellings and subdivision into two (2) lots. At the time of the application being lodged, the site was vacant, and the application was being considered for two new dwellings on the land.

However, during the process a dwelling was constructed at the front of the land. This dwelling was identical to the proposed front dwelling contained within the planning application. This has created an existing dwelling on the land (Dwelling 1).

Details of the proposal include the following:

Dwelling 1 (existing) consists of three bedrooms (inc. study), an open living and dining room, kitchen area, bathroom facilities and ensuite. A single car garage adjoins the dwelling at the rear of the dwelling with direct access to the dwelling. Vehicular access to the site is provided by the existing crossover to the land and via a driveway currently not sealed along the northern side of the house.

Dwelling 2 is proposed to be located at the rear of the existing dwelling, and includes two bedrooms (revised from three), meals, kitchen, family room, an ensuite, bathroom and laundry facilities. A single car garage is attached to the dwelling on the western side and is proposed to adjoin the single car garage of dwelling 1.

A common vehicular turning area is to be constructed on the northern side of the garages, between the two dwellings. A full set of the plans submitted and considered as part of this application are attached (***refer attachment***) to this report.

Listed below is a summary of the application process and timing:

17 March, 2011	Building permit issued by private building surveyor (ref: 1501/2011/000604/0) for construction of one dwelling.
8 April, 2001	Planning permit application lodged (two dwellings)
9 April, 2011	Application referred to Technical Services (Engineering)
20 April, 11 May, 2011	Application advertised.

27 April, 2011	Technical Services responded requiring more information
5 May, 2011	Approximate commencement of construction of the dwelling at the front of the site.
11 May, 2011	More Info letter sent to applicant
29 July, 2011	Applicant Response to more info letter received.
16 August, 2011	Additional information referred to Technical Services
13 September, 2011	Technical services request further information.
20 October, 2011	Additional information sent to applicant highlighting issues with application, advising unlikely application is to be given support, indicating that they could review or we would consider application in current form. Met with applicant and advised of concerns on this day as well as giving letter.
27 October, 2011	Application put on Hold at applicants request.
22 December, 2011	Completion of Dwelling 1 (building permit)
5 January, 2012 27 January, 2012	Revised proposal received. Letter to applicant outlining concerns and that no substantial change had occurred. Unless greater change and revision was undertaken, the application will be put to Council for consideration with recommendation of refusal.

Subject Site

The site is rectangular in shape with frontage to Greta Road on the site's western boundary. The site has a frontage of 15.24 metres and a length of 42.67 metres, creating an overall site area of 650 sqm. The site does not contain any significant vegetation and is generally flat. A drainage easement is located at the rear of the site.



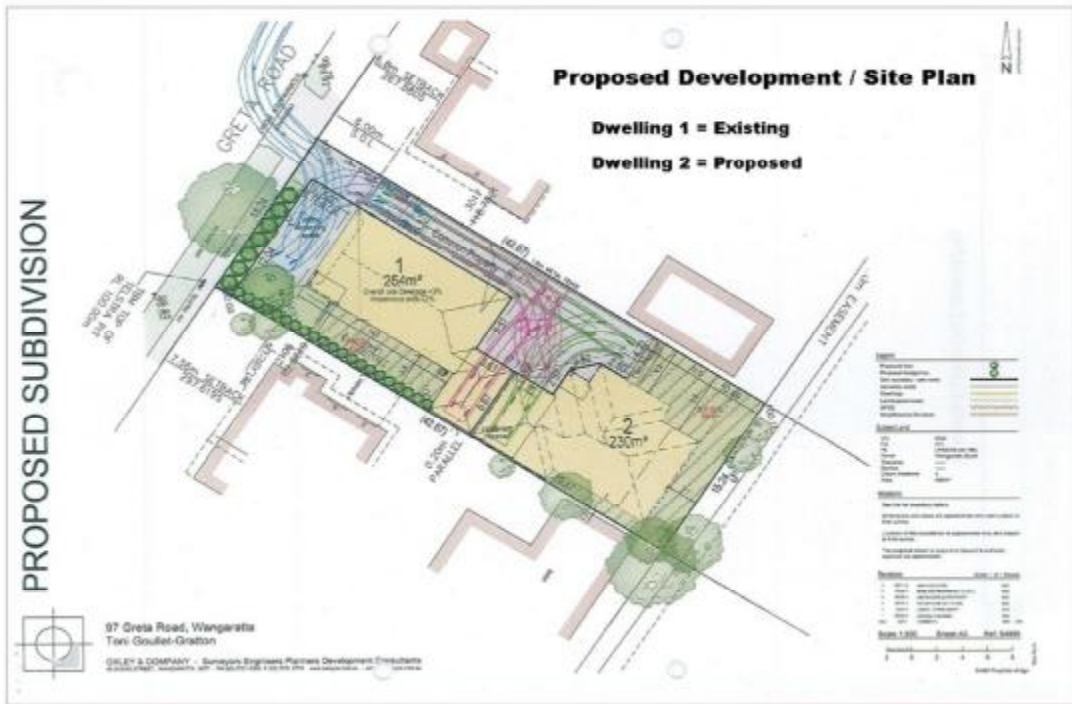
Subject Site – 97 Greta Road, Wangaratta

Locality

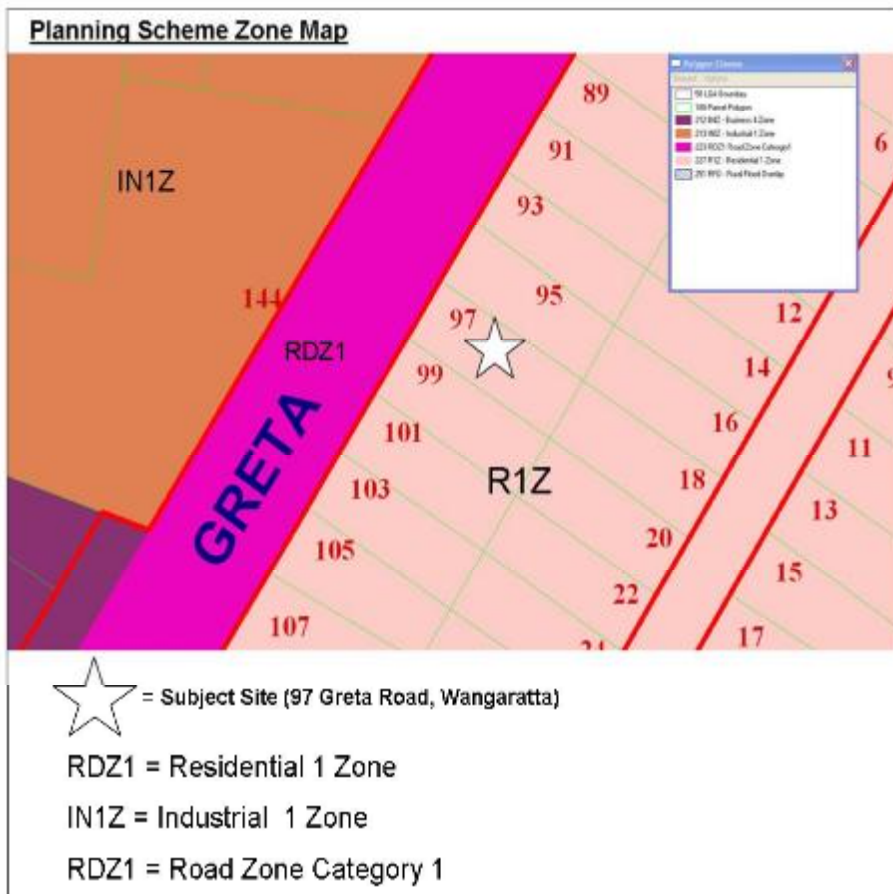
The site is located on the eastern side of Greta Road, which consists predominately of residential land uses. Generally sites contain one dwelling on the land, with open style front yards containing low levels of vegetation, consisting mainly of shrubs and lawn. Buildings vary in construction between weatherboard and brick combined with varied roof forms.

The western side of Greta Road contains a mix of commercial and industrial land uses with generous setbacks from Greta Road, generally consisting of areas of maintained landscaping. Greta Road is a Category One Road Zone.

Development Plan / Site Plan



Planning Scheme Zone Map



Planning Considerations

The subject land is located within a Residential 1 Zone and adjoins land zoned Category One Road Zone (Greta Road). The development of the land for two dwellings and subdivision of the land into two (2) lots, requires application for a planning permit.

An assessment of the proposal against the relevant provisions of the Wangaratta Planning Scheme (Scheme), in particular the requirements of Clause 55 of the Scheme, is contained below:

Assessment

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.

An assessment against the requirements of Clause 55 has been undertaken and whilst a general level of compliance has been achieved by the proposal, a number areas of non-compliance have been identified and are outlined below:

- Neighbourhood Character (Standard B1)
- Landscaping (Standard B13)
- Access (Standard B14)
- Parking Location (Standard B15)
- Parking Provision (Standard B16)
- Private Open Space (Standard B28)
- Storage (Standard B30)

Further discussion of the issues is contained below:

Residential 1 Zone

The proposal is considered to fail to meet the purpose of the Residential 1 Zone. Although it is acknowledged that it would add to the range of densities and available housing stock in the area, concern is held over the impact of the development on the established neighbourhood character.

Municipal Strategic Statement (MSS)

On review of the proposal against the relevant MSS requirements, the proposal may be consistent with some of the broad objectives of the MSS, by providing further housing stock to an established residential area. However, concern is held over the design of the development and the associated amenity issues with the proposal, therefore it is considered that the proposal is inconsistent with the intent of the MSS.

Neighbourhood Character (Standard B1)

Clause 55 (Rescode) is used for the assessment of multi-unit developments. This clause places a high level of emphasis on neighbourhood character and lists as its purpose the following objectives:

'To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.' and

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

Neighbourhood character is clearly given weight as a major objective and forms the starting point for any assessment against Clause 55. In particular, concerns are raised over the proposals response to the established neighbourhood character of the area.

The development of a large area of hard stand within the front building setback is a direct result of the applicant's need to provide two car parking spaces for dwelling 1. This space is unable to be accommodated at the rear of the dwelling, due to the use of standardised dwelling designs.

The use of the area of hardstand located within the front building setback for the purpose of car parking is considered to be inconsistent with the established character of the area, which predominantly includes open style front yards, with established low lying landscaping.

Concern is also raised that the concreted area established on the site does not correspond with plan submitted with the application. The plans indicate a setback of 1.5 metres which could contain some level of landscaping, however what currently exists is only a 500mm (approx.) wide area.

Car Parking & Accessways (Standard B 14, B15 & 16)

The proposed car parking facilities, specifically their location, workability and the proposed common accessway have a number of issues based on assessment against these standards. This assessment has been divided to discuss car parking at the front of the site and garages located in the common property at the rear of the site.

1. Car Parking space at Front of Site

Concerns are raised over the car parking space to be provided at the front of the site. The plans prescribe a setback of 1.5 metres from the Greta Rd site boundary for this space and it continues up to the façade of the dwelling.

The workability of this space, which is constrained by the dwelling on eastern side and the right angled corner of the dwelling is questioned. Based on assessment of this space with turning templates, the workability of this space is difficult and tight and conflict could easily be made with boundary fences and the built form of the dwelling.

In addition to this the drivers sight lines are constrained by the built form of the dwelling when reversing into the common driveway area.

If the facility is not designed in a safe and practical manner, drivers will revert to reversing straight onto Greta Road, which is considered to be an unacceptable situation, given the potential multiple users of the site and Road Zone Category One designation of this highly trafficked road.

2. Garages facilities

It is acknowledged that the existing dwelling on the land has a single car garage, located at the rear of the dwelling. Due to the fixed design of the dwelling no splays have been provided to the corner of the dwelling, which would assist the ability of vehicles to perform movements into the existing facility. Therefore the current car parking facility is difficult to access for vehicles, which are required to perform a number of movements to enter and exit this garage. This fact is further compounded by the narrow width of the site at 15.24 metres.

Currently no formalised driveway and turning area for this garage has been established, however, given that the rear portion of the land is generally vacant, a high level of flexibility is available to provide a more suitable and safe turning area.

However, the establishment of Dwelling 2 at the rear compromises and constrains the ability of this dwelling (Dwelling 1) to have a fully functioning turning area.

The proposed common driveway for both dwellings is to have a maximum width of 3 metres which provides no opportunity for the establishment of landscape buffer areas, which assist in avoiding vehicular conflict with buildings and boundary fences and provide a higher level of amenity and allow for compliance with standard B15.

Standard B15, requires that access ways should be setback 1.5 metres from habitable room windows and 1 metre where there is a 1.5 metre fence or the window sill is designed at a height of 1.4 metres above ffl.

The proposal cannot achieve this standard and little consideration has been given to the design of the habitable room windows for bedroom 1, which has two windows directly facing onto the accessway, therefore having a potential effect on the internal amenity for occupiers of this dwelling.

Landscaping (Standard B13)

In addition to concerns over landscaping along the common driveway, limited opportunities are provided for canopy trees or other landscaping within the front building setback of Dwelling 1.

The recently constructed concrete pad occupies over 50% of the front building setback, which is inconsistent with the established landscaped front gardens. This excessive level of hard surface area within the front building setback has reduced the ability to establish landscaping which would positively contribute to the neighbourhood character.

Private Open Space (Standard B28)

Concern is held over the area of open space designated for dwelling 1 (existing). At present, this dwelling is afforded with an extensive area of open space to the rear of the dwelling which is benefited by a northerly aspect.

However under this application, the proposal, seeks to alter the current on site situation and provide the secluded area of open space located on the southern side of the dwelling.

Whilst the areas of open space may meet the minimum requirements with respect to area, concern is still held that the open space area for dwelling 1, is considerably compromised by the addition of the dwelling at the rear.

Standard B30 (Clause 55.05-6 Storage Objectives)

The applicant has not nominated any areas of external storage (6m³) required by the standard for each dwelling. The garages provided within the development are designed at the minimum applicable size and not designed to incorporate this storage as a feature, and no external shed or similar facility have been nominated on the plan.

Although it is acknowledged that area is available within the private open space areas, in particular for dwelling 1, this would further compromise the amenity of this minimum sized area. These storage facilities should have been integrated within the proposal at its inception and not merely an afterthought to comply with any Council requirement in the form of a condition.

Subdivision**Clause 32.01-2 Subdivision**

The application includes subdivision of the land into two lots with associated common property, in line with the general layout of the development, including areas of common property etc. Given the above mentioned issues with the development proposal, the subdivision cannot be supported in its current form.

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, 20th April, 2011

The notification has been carried out correctly; Council has received no objections to date.

Referrals

Referrals Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Nil
Section 52 notices	Advertising by letters to adjoining property owners

Internal Council Referrals	Advice/Response/Conditions
Engineering	No objection – subject to conditions of permit.

The decision guidelines of Clause 65

This report has demonstrated considerable failure of the proposal to achieve compliance with the provisions of the planning scheme and therefore fails to meet the decision guidelines of Clause 65.

Conclusion

The use of two standard off the shelf dwelling designs makes it difficult to meet the requirements of Clause 55, and provides little to no flexibility to achieve the purpose and objectives of Clause 55 (Rescode).

The proposal has been assessed against the requirements of the Scheme, and although demonstrates technical compliance with many of the standards of Clause 55, on balance it is considered that the development demonstrates significant areas of non-compliance as evidenced by its failure to present a site responsive and acceptable development.

The proposal will result in a residential development which is considered an overdevelopment of the site and not reflective of the established and preferred neighbourhood character of the area. Despite attempts at negotiation to redesign elements of the proposal to address areas of non compliance, no satisfactory outcome has been reached.

Therefore it is considered that this report demonstrates that support should not be provided for the proposal in its current form and that a Notice of Refusal to Grant a Permit should be issued for the development.

Implications

Council Plan Objectives

The Council Plan has the objectives to *'ensure the amenity of public and built environments is attractive, safe and practical'*, in this instance it is considered that the proposal does not meet this objective, due the concerns raised within this report surrounding neighbourhood character.

(Moved: Councillor L McCully/Councillor R Webb)

Recommendation

That Planning Permit Application No. PLN11-059 for Two (2) Lot Subdivision and Development of Two (2) Dwellings be refused and that a Notice of Decision to Refuse a Permit be issued on the following grounds:

- 1. *The proposal does not satisfy the objectives and standards of Clause 55 of the Wangaratta Planning Scheme, in particular:***
 - **B1** **Neighbourhood Character**
 - **B13** **Landscaping**
 - **B14** **Access Objectives**

- **B15** **Parking Location**
 - **B16** **Parking Provision**
 - **B28** **Private Open Space**
 - **B30** **Storage Facilities**
2. ***The proposal does not achieve a residential development, which respects or contributes to the established neighbourhood character of the area.***
 3. ***The development does not allow for the convenient, safe and efficient movement of vehicles entering and exiting the site onto a Road Zone Category One.***
 4. ***The development further compromises the existing movement of vehicles entering and exiting the site.***
 5. ***The proposal is considered an overdevelopment of the site as evidenced by significant areas of non-compliance with Clause 55 of the Wangaratta Planning Scheme.***

Communication

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

Carried.

11.2.2.3 PLANNING SCHEME AMENDMENT C 36 – OVENS RIVERSIDE, FAITHFULL STREET, WANGARATTA

Amendment C36 Wangaratta Planning Scheme

73.020.52

Introduction

Council has been working for many years to establish the Ovens Riverside Project and Promenade. To facilitate this project has been the preparation and processing of a Planning Scheme Amendment to compulsorily acquire the rear of some properties in Faithfull Street between Bickerton Street and Murphy Street, Wangaratta.

This report is presented to Council for consideration of the Panel Report addressing submissions to the amendment and to adopt the amendment to allow it to proceed to Ministerial approval

Background

Council over the last 10 years has investigated the feasibility and process required to develop the south bank of the Ovens River as a promenade creating a strong link between the city centre and the river. Strategies of relevance are:

- Ovens River/Faithfull Street Master Plan – August 2001;
- Wangaratta Urban Design Framework – August 2002; and

- Wangaratta Retail Audit and Development Plan Review/Ovens Riverside Precinct Study – October 2008.

These strategies resulted in amendments to the Municipal Strategic Statement and Local policies of the Wangaratta Planning Scheme to clearly support and guide the use and development of the promenade and adjoining land in Faithfull Street.

Council prepared a Planning Scheme amendment to acquire part of the rear of several properties fronting Faithfull Street by using the Public Acquisition Overlay and to change the zone of the Council park from Business 1 to Public Park and Recreation zone.

This amendment was exhibited for a month in June/July, 2010 and 8 submissions were received; 4 from landowners and occupiers objecting to the imposition of the overlay and 4 from authorities supporting or offering no objection. Issues of concern raised in submissions were:

- loss of car parking at the rear of the properties;
- loss of amenity due to the creation of public land which could encourage graffiti;
- the acquisition will impact on existing businesses and commercial arrangements for current and future tenants;
- public liability responsibility of the land owners for the public access;
- seeking continued access to the rear of the properties by the owners and tenants both for car parking and deliveries; and
- lack of car parking within close proximity to the affected properties.

Council considered all submissions at its meeting on the 16 November, 2010 and resolved that having considered all written submissions in accordance with Section 22 of the Planning and Environment Act 1987, to proceed with the amendment as exhibited and refer the submissions to a Panel.

Issues

The Minister for Planning appointed Mr Nick Wimbush as a one member panel to consider the amendment and submissions to it.

A directions hearing was held on the 19 December, 2011 with only one submitter electing to be heard. Following negotiation between Council and the submitter, it was agreed that a full hearing was not required and that the Panel would consider the matter on the papers, including a detailed submission from Council addressing the planning framework and each of the submissions received.

Council has now received the Panel Report on the amendment. The Panel recognised that strategic support clearly exists within the Planning Scheme for the Ovens Riverside Promenade and that the use of the Public Acquisition Overlay (PAO) was a strong but appropriate tool.

The Panel considers issues raised by submitters as follows:

1. Strategic Justification of the Amendment

“The Panel has reviewed in detail the assessment of the Amendment by Council against relevant State and local policy and is satisfied that the Amendment is needed to achieve the broader community objectives of the precinct along the river. The achievement of the broader community objectives must be balanced against the loss of property by individuals. In this case the Panel is satisfied the net community benefit of the Amendment and promenade project for the broader Wangaratta community is such that, coupled with the compensation mechanisms in the Land Acquisition and Compensation Act 1986, the Amendment should proceed. It is also worth noting, although it is not determinative of the Panel’s conclusions, that the promenade and precinct development could be expected to have a positive effect on property values for the remaining property.

The Panel considers that Council has undertaken significant background strategic planning work for the promenade and Amendment and is satisfied that the Amendment will lead to the provision of an important new community facility for Wangaratta”.

2. Issues Raised in Submissions

40 Faithfull Street, Wangaratta

- a. Impact on Beer garden and impact on commercial arrangements for current and future tenants.

“The Panel considers that whilst there will be some impact on the individual property, the potential for ‘opening up’ this area of the river bank for increased dining and recreational opportunities in the medium to longer term should benefit the community more broadly and property owners in this area”.

42 Faithfull Street, Wangaratta

- b. Loss of Car Parking

“The Panel concludes that whilst there will be an impact on the onsite parking at 42 Faithfull Street, the overall benefit to the community of the promenade project is such that in this case the PAO should be applied”.

- c. Other issues

Issues raised regarding graffiti, public walkway being on riverbank on public land and that development will affect future development of the site and rights of trade.

“The Panel notes the reasons put forward in the various pieces of strategic planning investigation as to why the promenade is being pursued on the top of the embankment and is satisfied it is an effective response to achieve the objectives for the precinct.

Whether the promenade will increase graffiti or not is not an issue directly related to the Amendment but the Panel notes that the area is generally accessible already and the development should not increase this risk.

The Panel also notes that the underlying zoning of the properties is not changing and thus use and development will continue to be managed within the existing framework. Pre-acquisition the PAO may place limitations on the area under the overlay, but this is precisely its purpose; to prevent use and development that may prejudice the reason for its acquisition”.

60, 62 & 64 Faithfull Street, Wangaratta.

d. Loss of Car parking

“The Panel is satisfied that the parking at 60, 62 and 64 Faithfull Street can be generally maintained as is with some modifications”.

e. Other Issues – Confirmation of Titles, Process for acquisition and compensation, public liability and maintenance.

“Many of the issues raised go to the detailed implementation of the acquisition and post-acquisition land management rather than direct comments on the Amendment itself. The Panel notes Council’s response to the issues in correspondence direct to the landowner and provided these Commitments are met it should result in the issues being addressed satisfactorily.

The Panel concludes that the issues raised in the submissions should be able to be addressed satisfactorily between the landowner and Council and the application of the PAO to this property is appropriate”.

Overall the Panel recommends:

“Adopt Amendment C36 to the Wangaratta Planning Scheme as exhibited”.

Implications

This recommendation from the Panel puts Council in a position where it can adopt the amendment and submit it to the Minister for Planning for approval.

The Panel supports implementation of the amendment in its exhibited form.

The decision to adopt an amendment requires a Council resolution.

Council Plan Outcomes

Of relevance to this project are the following:

4.2.1 To investigate and implement infrastructure opportunities that support community aspirations.

4.2.1.4 Implement the Ovens Riverside Project.

Policies

This amendment builds on the Local Planning Policy Framework of the Wangaratta Planning Scheme.

Community Engagement

A copy of the panel report has been sent to each submitter.

Council under Section 26 of the Planning & Environment Act 1987 may make a copy of the Panel's report available at its office to inspect free of charge, particularly when Council has made a decision to adopt the amendment. The Panel Report must be on exhibition for a period of two months once the amendment comes into operation or lapses.

A copy of the Panel report is on exhibition at the 1st floor Building and Planning Counter.

Conclusion

Council is now in a position, having followed due process to adopt Amendment C36 to the Wangaratta Planning Scheme to facilitate the compulsory acquisition of land to continue to develop the Ovens Riverside Promenade.

On adoption of the amendment by Council it will be submitted to the Minister for Planning for approval and gazettal.

(Moved: Councillor R Webb/Councillor L McCully)

Recommendation

That Council as Planning Authority for the Wangaratta Planning Scheme adopt Amendment C36 to the Wangaratta Planning Scheme as exhibited and submit it to the Minister for Planning for approval.

Communication

A letter be sent to all submitters advising them of this recommendation.

Carried.

11.2.2.4 VARIOUS LAND ACQUISITIONS

REAR 1-7 ORWELL ST, WANGARATTA 3677	12062
REAR 11 ORWELL ST, WANGARATTA 3677	12071
22 COCKROFTS LANE, OXLEY FLATS	3950
439 WARBY RANGE ROAD, WANGARATTA SOUTH	10866

Background

In October 2011 Land Victoria advised Council of several past transactions, whereby land acquired by Council for various purposes had not been registered in Council's name.

Details of these transactions were given as follows:

- Reserve No 1 PS 304503E - 11 Orwell Street, Wangaratta created by subdivision in 1991;
- Reserve No 4 PS 313597Q - 3-7 Orwell Street, Wangaratta created by subdivision in 1992;
- Road (R1) PS 339611E 439 Warby Range Road, Wangaratta created by subdivision in 1994; and
- Road (R1) PS 345515Q Oxley Flats Road, Wangaratta created by subdivision in 1995.

These land acquisitions were all initiated by Council, therefore all subdivision, legal, titles office registrations costs etc. are council's responsibility.

Reserve No 1 PS 304503E & Reserve No 4 PS 313597Q Orwell Street, Wangaratta

In the early 1990's the former City of Wangaratta undertook several land acquisitions' of land along the One Mile Creek between Rowan Street and Melba Street. Purchase of these small parcels along the bank of the One Mile facilitated the construction of shared paths, ultimately planned to link the southern precincts of Wangaratta with secondary schools in the West End.

All procedural subdivisional and legal requirements were carried out by Council's solicitors at the time, however Transfer of Land documentation was not thought to be required at the time.



Road (R1) PS 339611E 439 Warby Range Road, Wangaratta

In 1994 the former Shire of Wangaratta undertook intersection realignment at the corner of the Taminick Gap Road and Warby Range Road, South Wangaratta. These works proposed to realign the intersection to ensure safety and were undertaken with the assistance of Black Spot funding. A small section of the south west corner of the intersection was acquired in order to facilitate a stagger to the intersection.



Realignment of Oxley Flats Road at Maloneys Bridge

In 1995 Council acquired a small portion of land between 881-997 Oxley Flats Road in order to realign the approach to Maloneys Bridge. All procedural subdivisional and legal requirements were carried out by Council's solicitors at the time, however documentation to finalise transfer of the land into Council's name was not affected.



Issues

Land Victoria has advised that there are four land acquisitions (pursuant to Section 35 of the Subdivision Act) that require finalisation by way of lodgement of Transfers of Land in order enabling the issue of Certificates of Title into Council's ownership.

Council's solicitors in discussions with the Land Titles Office have agreed that in the early days of the Subdivision Act there was some confusion as to the requirement of a Transfer at that time. The present staff of the Land Titles Office have confirmed this and have offered to be of full assistance in the completion of these matters.

Implications

In order to finally formalise these matters it is now in order for Council to execute the Transfers of Land documents for the foregoing land acquisitions.

(Moved: Councillor A Griffiths/Councillor R Parisotto)

Recommendation

That Council sign and seal the Transfer of Land documents for:

- ***land situated at the rear of 11 Orwell Street, Wangaratta shown as Reserve No 1 PS 304503E as contained in Certificate of Title Volume 7674 Folio 056;***
- ***land situated at the rear 3-7 Orwell Street, Wangaratta shown as Reserve No 4 PS 313597Q as contained in Certificates of Title Volume 8350 Folio 827, Volume 8313 Folio 277, Volume 7244 Folio 767; and Volume 7244 Folio 766;***
- ***land situated at 439 Warby Range Road, Wangaratta shown as Road (R1) PS 339611E as contained in Certificate of Title Volume 5928 Folio 575; and***
- ***land situated at Oxley Flats Road, Wangaratta shown as Road (R1) PS 345515Q as contained in Certificate of Title Volume 9374 Folio 413.***

Communication

Following signing & sealing the Transfer documents will be returned to McSwineys for lodgement at the Land Titles Office.

Carried.

11.2.2.5 FINANCE REPORTS

Council Budget 2010/2011

51.060.018

BUDGET COMPARISON REPORTS

Executive Summary:

Council's net rates budget surplus is forecast to decrease from its revised budget position of \$160,000 by \$1,237 to \$158,763. The following table summarises predicted variances for major categories of income and expenditure.

Report item		Revised Budget 2011/2012 \$	Reforecast Budget 2011/2012 \$	Variance \$
1	Operating income	58,578,897	58,617,833	58,934
	Operating expenditure	(51,444,447)	(51,475,663)	(31,216)
	Net Operating Result	7,134,450	7,162,168	27,718
	Capital Grants and Contributions	5,111,323	5,108,903	(2,420)
3	Capital Expenditure	(21,117,947)	(21,144,482)	(26,535)
2	Proceeds from sale of assets	1,552,147	1,552,147	0
	Net borrowings	(534,206)	(534,206)	0
	Net transfers from/(to) reserves	1,973,643	1,973,643	0
	Rates surplus(deficit) b/fwd	6,040,590	6,040,590	6,040,590
	Net Rates Budget Surplus	160,000	158,763	(1,237)

Council's net rates budget surplus is expected to decrease by \$1.2K, this variance is associated with a number of projects.

Detailed explanations are provided for individual items where the predicted year-end outcome varies from the adopted budget by more than \$20,000 (*refer attachment*).

Conclusion

Re-forecasts for the 2011/2012 financial year confirm that Council's rates surplus is predicted to decrease by a margin of \$1,237

(Moved: Councillor L McCully/Councillor R Webb)

Recommendation

That the report indicating Council's reforecast financial position is aligned to its revised budget for 2011/12 is noted.

Carried.

11.2.3 COMMUNITY WELLBEING

11.2.3.1 WANGARATTA CHILDREN'S SERVICE CENTRE FINAL STAGE

Wangaratta Children's & Family Service Centre

30.082.043

Introduction

The Department of Education and Early Childhood Development (DEECD) has opened a capital funding round which provides an opportunity for the final stage of the Wangaratta Children's Services Centre (WCSC) to be constructed.

Background

The previous Visitor Information Centre at Batchelors Green was identified as the most suitable location for the development of the WCSC, this was primarily due to the central location and close proximity to Yarrunga which is identified as having the greatest need for this development.

The overall objective for the development of the WCSC is to provide the community with an accessible, fully integrated service centre. The fully developed centre is intended to provide:

1. An alternative site for the delivery of the Wangaratta Community Childcare Service with increased capacity.
2. An alternative site for the administration of the Wangaratta Family Day Care Scheme and Maternal and Child Health Service.
3. A community facility.
4. Specialist support for children with additional needs.
5. A 'one stop' shop for access to a range of children and family services in an area of known need.
6. A fully integrated children and family services centre.

Of significance is the purpose of an integrated children's services centre. The Federal and Victorian State Governments understand and recognise the value of early childhood services and intervention for improved social and economic outcomes. This recognition has mainly been in response to much research and work undertaken in England where 'Sure Start Children's Centres' are being hailed as the best response to the needs of this age group and their families. Significant improved outcomes have been achieved for children and their families by providing early childhood development and specialist service intervention at an early age. This has provided significant social and economic benefits.

Stage 1 and 2 of the WCSC has provided: The relocation of the Wangaratta Childcare Service, Family Day Care and Maternal and Child Health which has greatly benefitted the Yarrunga community; and the establishment of a new kindergarten which adds value and opportunities for children to access kindergarten and have the best opportunity to develop in their early years.

The final stage of the WCSC development is crucial to achieving the final three of the above six objectives but most importantly a fully integrated children and family services centre. The final stage will provide accommodation for children and

family specialist services, including allied health, speech therapy, physiotherapy, hearing consultation, cognitive assessment etc. to be collocated with other children's services. The collocation of these services and a model of collaborative and integrated service delivery will achieve the following:

- accessible service provision;
- service provision in a locality of significant need;
- improved support to the community;
- opportunities for service integration and maximising a 'seamless' approach;
- improved health and wellbeing of the community;
- improved community connection;
- stronger service linkages;
- local ownership and involvement; and
- greater service flexibility and responsiveness.

Access to general and specialist services at one location provides great benefits for those in need of services, these include:

- ease of access resulting in better uptake of services;
- integrated service delivery and where appropriate a better treatment regime;
- better support for the child and family by having a holistic approach;
- improved communication between services;
- greater privacy and less stigma; and
- the involvement of an extensive team of professionals ensures the health, development, social, emotional and educational needs of the community are monitored and able to be responded to.

The WCSC final stage will complete the Wangaratta Children's Services Centre and provide a fully integrated children and family services centre for the Rural City of Wangaratta.

When initial funding opportunities became available for the development of the Centre the funding available was insufficient to achieve the total development as one project. In order to proceed, the works were split into two stages, as follows:

Stage one was the initial redevelopment to accommodate the Childcare service, Family Day Care, Maternal and Child Health, a playgroup, community room and offices; and

Stage two to accommodate a kindergarten (separate to the long day care), specialist services (i.e. speech therapy, allied health, parenting support, physiotherapy etc.) and the Community Toy Library.

Issues

The funding achieved for stage 1 was the result of significant pressure and lobbying occurring because of the predicament Council had with losing the previous childcare premises in Cusack Street. The stage 1 project was also ready for implementation where others across the State of Victoria were not.

When funding was pursued for stage 2 there was a maximum grant allowance of only \$200,000 which was specifically targeted for the development of

kindergartens to accommodate the 15 hours Universal Access initiative. This then meant that stage 2 had to be split into two phases, phase one being for the construction of a 33 place kindergarten for which an application was submitted and successful. Phase 2 is for consultation and therapy rooms to accommodate a range of therapy, clinical and allied health services.

Stage 2 - phase 2 is currently the outstanding component of the WCSC. DEECD has now provided another funding opportunity called the 'Integrated Children's Centre' grants. The objectives of stage 2 - phase 2 fits well with the guidelines and intent of this funding.

The timelines required for this funding program are as follows:

Action	Timeline
Notice of intent to submit	30 November 2011
Submission of Expression of Interest (EOI)	16 December 2011
Full application submission	27 February 2012

Given these timelines, a notice of intent to submit and an EOI has been submitted. A full application can only be pursued if the EOI applicant is invited to do so. An invitation to submit an application has been received for the Rural City of Wangaratta's EOI for stage2 – phase 2 of the WCSC.

Implications

Council Plan Outcomes

An action of the Council Plan is to 'Pursue the establishment of Stage 2 of the new Children's Services Centre'. The current DEECD funding opportunity provides for the completion of Stage 2 and the Wangaratta Children's Services Centre as a whole.

Sustainability

The 'Integrated Children's Centre' grants will provide 40% of the total cost of the final stage. The total project cost for the final stage is \$846,340. Given this cost, a contribution of \$507,801 will be required from Council and a grant from DEECD of \$338,536.

The costing for the full development of the WCSC was originally estimated at \$2.9m, if Council proceeds with the final stage and is successful with an application the total cost for the development would have been \$3.139m.

It is proposed that half of Council's contribution for the final stage is taken as a loan. This can be accommodated within the long term financial plan.

Community Engagement

When the development of the Wangaratta Children's Services Centre was first initiated, community discussion sessions were undertaken to receive feedback from members of the community. The feedback strongly supported the development of the Children's Services Centre as an integrated service centre.

The service providers intended to relocate to the WCSC are currently accommodated at the Old Yarrunga Childcare Centre building. Discussions have occurred in past and recent times which has resulted in on-going support for the final development in recognition for the improved outcomes and benefits for the community.

Conclusion

A recent meeting with DEECD regional officers identified Wangaratta as a site for the implementation of a best practise model of early years development which has been well proven in England as a successful means of improving children's future prospects. This development is reliant on having a fully integrated children's services centre and will be undertaken within current operational resources.

(Moved: Councillor L McCully/Councillor R Parisotto)

Recommendation

That Council:

- 1. endorse an application being submitted to the Department of Education and Early Childhood Development for a grant of \$338,536 to contribute to the construction of the final stage proposed for the Wangaratta Children's Services Centre, and***
- 2. allocate an amount of \$507,801 in the 2012/2013 budget as Council's contribution to the total project cost of \$846,340.***

Communication

Pending Council's decision an application will be submitted to the Integrated Children's Services Funding Program by the due date of 27 February 2012.

Carried.

11.2.3.2 WANGARATTA COMMUNITY PRIDE COMMITTEE – KEEP AUSTRALIA BEAUTIFUL VICTORIA MEMBERSHIP

Wangaratta Tidy Towns Committee/Rural Pride/Community Pride

68.020.007

Introduction

The purpose of this report is for Council to consider renewing membership with Keep Australia Beautiful Victoria (KABV) for 2012 based on the current membership fee structure for the KABV Awards program remaining the same.

Background

The KABV Awards recognise and celebrate everyday actions taken by all Victorians to improve, maintain and sustain their local environments. The awards cover a broad range of activities, including reducing waste, preserving heritage, saving energy, and conserving water. The benefits of entering are increased

community participation and pride, ownership and responsibility of local environments.

For several years, Council, with the assistance of the then Rural Pride Committee now the Wangaratta Community Pride Committee (WCPC), was a financial member and had entered the Keep Australia Beautiful Victoria (KABV) Tidy Towns Annual Awards.

Having changed practice from previous years, in 2004 KABV requested separate entries from individual cities and outlying towns rather than a combined submission from each municipality. The changes to the structure required individual submissions and entry fees from those nominating from within each Municipality instead of a single fee payment that had applied previously. In consideration of the above impacts Council resolved not to continue its membership with KABV in March 2005.

Council resolved to become a member with KABV again in 2011 after receiving a recommendation from the WCPC to re-join. The recommendation from the WCPC was arrived at following advice received from KABV that the entry fee conditions had changed and a revision of award categories had evolved over recent times which included a municipal fee instead of an individual entry fee.

As a result of the renewed membership the WCPC with support from Council made submissions to the Tidy Towns- Sustainable Communities Awards 2011.

The WCPC submitted the following entries:

- Cultural Heritage – El Dorado Museum Association;
- Efficient Energy – Robinson's Truck & Coach Maintenance workshop;
- Pam Keating Environmental Sustainability - Robinson's Truck & Coach Maintenance workshop;
- Community Leadership – Wangaratta Community Pride Committee; and
- Young Leaders Individuals – Travis Robinson

Ovens & King Community Health Service also submitted two entries, as follows:

- Community Action for population > 3000 – Health Ageing Forum 2011; and
- Community Government Partnerships – Directory of Activities for Positive Ageing 2011 (partnered with Rural City of Wangaratta)

The outcome of the 2011 entries for the Rural City of Wangaratta was outstanding with the following accomplishments:

- Wangaratta qualified to be an entrant for the Tidy Town of the Year category;
- all of the entries were finalists in relevant categories of the Tidy Towns- Sustainable Communities Awards 2011; and
- two of the finalists, Robinson's Truck & Coach Maintenance and Travis Robinson were overall winners of the categories entered.

Issues

The success of the WCPC entries in the 2011 KABV Awards program has reinvigorated interest for continued participation within WCPC, Council and the community.

The current KABV membership structure continues to offer one membership fee of \$500 per annum for each municipality which covers all rural towns within the municipality.

The WCPC are passionate about continuing to encourage entrants and coordinate the preparation of submissions which eliminates council officer time.

Implications

Council Plan Outcomes

This proposal is consistent with the Council Plan objective “support our community to experience and appreciate a healthy, diverse and exciting natural environment”.

Sustainability

The \$500 KABV membership fee is able to be funded from the existing Community Pride recurrent budget allocation.

The awards have been a great way to celebrate and recognise the effort communities contribute to the sustainability of their local environments. They provide an opportunity to encourage environmental awareness and community pride, motivated by common benefit and engage the community in beautifying its local streets, parks, schools, bushlands, residential and business spaces.

Community Engagement

The municipal Sustainability awards have assisted in engaging the community in implementing practises that benefit the environment. Council’s awards provide an opportunity to engage the same people and new entries into the KABV awards which appear to have a growing interest.

Conclusion

The KABV Awards encourage a sense of local ownership and pride within the community and are consistent with Council's environmental and community development goals. Exceptional entries have already demonstrated their success as placed entries in the Statewide competition which gains extensive recognition for the Rural City of Wangaratta.

(Moved: Councillor R Webb/Councillor L McCully)

Recommendation

That Council confirm its Keep Australia Beautiful Victoria membership under the existing fees structure by supporting the payment of the annual

membership fee from the existing operational budget for the Wangaratta Community Pride Committee.

Communication

Members of the Wangaratta Community Pride Committee will be advised of Council's decision.

Carried.

11.2.3.3 **EMERGENCY RELIEF FUNDING**

InfoVision File Name

File No

Introduction

The Mayor of the City of Casey, Councillor Shar Balmes, has provided a letter requesting that the Rural City of Wangaratta Council join the City of Casey and other Victorian Local Governments in advocating for appropriate funding of Emergency Relief by the State Government.

Background

There are a number of factors that create a need for emergency relief within a community. In Wangaratta, as is the case for many Cities, the majority of response is provided through religious based groups, ie Anglicare, St Vincent De Paul, Salvation Army etc. The Rural City of Wangaratta is fortunate in having a combined denomination approach to emergency welfare relief however despite having a reliable and strong model of response and administration there is still a range of needs being unmet.

These include:

Homelessness

- West Ovens Murray (which includes Wangaratta) has 70 in every 10,000 people who are homeless. The Victorian State average is 55 per 10,000. However most experts would say that this is a gross underestimation of the true number of homeless in the country and the figure could be tripled (*referenced 2006 ABS Census Data*).
- In the Hume Region, there is a total of 207 current households on prioritisation list for Transition Housing (TH), a total of 278 households were removed from the list during this time. The 15 – 24 age group makes up 40% and the 25 – 55 age group makes up 57% of the TH list.

Household income

- Women comprise 50% of the Hume region population. Overall Women earn less than men. The 2011 (June quarter) poverty line for a single person was \$446.47 per week. 61.1% of the Hume region women had a gross individual income of below \$400 per week compared with 38.4% of men.
- 14.9% of the Hume region families are sole parent families. 60% of these are headed by women.

- In 2010 the Hume region had the third highest rate of unemployment (6.1%) across the state and 66.5% did not complete year 12.

Issues

The level of funding for the provision of welfare support services provided by the Victorian State Government is not increasing at the level the need is rising. Many agencies are supplementing families experiencing a range of issues that are not able to be met on incomes that are insufficient to meet the cost of living.

Recent discussion with a representative of the welfare agencies in Wangaratta has provided the following information:

- The demand for assistance in the way of support for basic needs has increased dramatically over the past 6-12 months;
- Generally the need is for food vouchers which is generally because of additional cost demand for payment of increased utility bills, fuel etc;
- Generally a person on a 'benefit' can live reasonably however cannot afford any additional costs, ie car needs a service/repair, children's needs etc;
- Many families are struggling with the cost of schooling and as a consequence do not keep their children in school in years 11 and 12;
- Young people are forced to take low paid jobs when leaving school at the end of year ten and find later in life that they are unable to afford to 'build' or own a home;
- Research has proven that education is the most significant influencing factor for everyone's future, the lower the educated the more disadvantaged; and
- It is believed that much of the population in Wangaratta does not acknowledge the significance of the problem for many families and individuals to afford the cost of living and access affordable housing.

Implications

Council Plan Outcomes

To support communities in times of crisis.

Community Engagement

Recent meetings have occurred with Uniting Care and Anglicare which have identified a significant and increasing demand for welfare relief support within the Rural City of Wangaratta. Similar demands have been identified by NESAY with young people where the problem of homelessness for young people continues to be a concerning issue.

Conclusion

Although Council is not involved in the delivery of welfare services its role as an advocate for the community can be used to support the efforts of the services trying to help people who are less fortunate within the Rural City of Wangaratta community.

(Moved: Councillor R Parisotto/Councillor A Griffiths)

Recommendation

That Council:

- 1. Provide a letter to the Minister for Community Services, Hon Mary Wooldridge to request that the Victorian State Government direct additional funds to assist welfare agencies to respond better to community needs; and***
- 2. Provide a copy of the correspondence to local members Mr Tim McCurdy and Mr Bill Sykes with a request seeking their support.***

Carried.

11.2.4 INFRASTRUCTURE SERVICE

Nil.

11.3 SPECIAL COMMITTEE REPORTS

Nil.

11.4 ADVISORY COMMITTEE REPORTS

(Moved: Councillor L McCully/ Councillor R Webb)

Recommendation

That items 11.4.1.1, 11.4.1.2 and 11.4.1.3 be noted.

Carried.

11.4.1.1 ARTS CULTURE AND HERITAGE ADVISORY COMMITTEE REPORT

Cultural/Arts Issues

67.010.006

Background

The Arts, Culture and Heritage Advisory Committee (ACHAC) held their bi-monthly meeting on 7 December 2011.

Attendees: Cr Rozi Parisotto, David Godkin, Ken Gaudion, Lorraine Monshing, Tina Thompson, Loueen Twyford, Georgina Cusack, Ruth Tai, Lisa Mangelsdorf, Justine Ambrosio and Dianne Mangan,

There were no declarations of conflict of interest.

The following items were discussed at the meeting:

1. Wangaratta Jazz Festival debrief;
2. The new process for the Rural City of Wangaratta's Community Grants Program;
3. The Wangaratta Art Gallery logo;
4. Art activities and events within the Rural City of Wangaratta;
5. Sculpture Award Review Update;
6. ACHAC 2012 Meeting dates; and
7. Bi Monthly Report for Arts, Culture and Heritage services

Recommendation

That the report be noted.

11.4.1.2 WANGARATTA UNLIMITED ADVISORY BOARD (COMMITTEE) MEETING REPORT

Wangaratta Unlimited Board

25.007.002

Background

The Wangaratta Unlimited Advisory Board (Committee) held meetings on Tuesday 7 February 2012 and Tuesday 31 January 2012.

Meeting 7 February 2012

The following members were in attendance: Barry Sullivan (Chair); Stephen Oxley; Grant Jones; Ken Butterworth; Greg Larkins; Guy Wilkinson; Wendy Lester; Helen Haines; Cr Roberto Paino; Doug Sharp; Graham Nickless; Charles Halter, Shivaun Brown and Emma Keith. An apology was received from Cr Lisa McInerney and Hayley Cail.

Greg Larkins declared a conflict of interest for the South Wangaratta Urban Renewal report and left the room for duration of the agenda item discussion

The following items were discussed at the meeting:

- Multi Deck Car Park
- South Wangaratta Urban Renewal Project

Reports were received from the following committees or projects:

- Sports Tourism
- Draft 2 Rural Land Strategy
- Regional Development Australia
- Business Events
- Water Plan III

The members considered Council Plan Item 4.3.1.1 – Explore / investigate a strategic approach to developing a precinct maximising the benefits of the new Rural Industries campus including: Equine, Agrifood, Livestock, Racing and Accommodation and subsequently deferred the item until the outcomes of the Turf Club Strategic Plan are available.

The meeting closed at 8.00pm and the next meeting of the Wangaratta Unlimited Board is scheduled for Tuesday 6 March 2012.

Meeting 31 January 2012

The Wangaratta Unlimited Advisory Board (Committee) held a Strategy Review meeting on Tuesday 31 January 2012 with the following members in attendance: Barry Sullivan (Chair); Cr Roberto Paino; Cr Anthony Griffiths; Stephen Oxley; Grant Jones; Greg Larkins; Guy Wilkinson; Wendy Lester; Helen Haines; Doug Sharp; Graham Nickless; Charles Halter; Shivaun Brown; Penny Hargraves and Emma Keith. An apology was received from Cr Lisa McInerney; Hayley Cail and Ken Butterworth;

There were no declarations of conflicts of interest.

The review process was facilitated by Mel Neil from the Langley Group.

The following formed the basis for the discussion at the meeting:

- Positives for the region
- Challenges for the region
- Key outcomes for the Board to date
- Proposed outcomes for the next 3 – 5 years
- Execution strategy

Recommendation

That the Report be noted.

11.4.1.3 AGRICULTURE AND AGRIBUSINESS ADVISORY COMMITTEE

Cultural/Arts Issues

67.010.006

Background

Council's Agriculture and Agribusiness Advisory Committee (AAAC) held a meeting on Monday 13 February 2012.

Attendees: Councillor R Paino, Mayor; Graham Nickless, Executive Manager – Economic Development; Ray Park, Director – Sustainability, Rosey Bennett; Harry Bussell; Vincent McKenzie; Lachlan Campbell; David Maples; Harvey Benton; Geoff Bussell and Graeme Norman.

No conflicts of interest were declared.

The following items were discussed:

- Draft 2 Rural Land Strategy;
- Opportunities for agriculture;
- Carbon Farming;
- Ongoing use and maintenance of drought bores;
- Eligibility for Young Farmer Stamp Duty Exemption Program; and
- "Year of the Farmer" initiative.

The next meeting of the Agriculture and Agribusiness Advisory Committee is scheduled for Monday 2 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
14/02/2012	Draft Agenda and Deputations Meeting	Attachment
13/02/2012	Agriculture and Agribusiness Advisory Committee	Item 11.4.1.3
08/02/2012	Conciliation Meeting	Attachment
07/02/2012	Wangaratta Unlimited (Board) Advisory Committee	Item 11.4.1.2
05/02/2012 & 06/02/2012	Councillors Retreat	Attachment
31/01/2012	Wangaratta Unlimited (Board) Advisory Committee – Strategic Meeting	Item 11.4.1.2
24/01/2012	Prior to Ordinary Meeting of Council	Attachment
07/12/2011	Arts, Culture and Heritage Advisory Committee	Item 11.4.1.1

(Moved: Councillor A Griffiths/Councillor R Webb)

Recommendation

That:

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

- c. Proposed developments; and**
- d. a matter that would prejudice the Council**
- (i) Councillor’s Briefing Forum dated 5&6 February 2012:**

- 1.1.1.1 **Key Performance Indicators**
- 1.1.1.2 **Works and Activities Progress Report**
- 1.1.1.5 **Planning and Subdivision Reports**
- 1.1.1.6 **Implementation of Council Decisions**
- 1.1.1.7 **Council Planning Calendar 2012**
- 1.1.2.1 **Changes to the Community Satisfaction Survey for Local Governments 2012**
- 1.1.2.2 **Municipal Boundary and Town Entry Signage Rollout Plan**
- 1.1.2.3 **2012 National General Assembly of Local Government — Call for Motions**
- 1.1.3.1 **Domestic Wastewater Management Plan**
- 1.1.3.2 **Parfitt Road and Wilson Road Reticulated Sewerage Scheme Update**
- 1.1.3.3 **Weed and Pest Control Program Update**
- 1.1.4.1 **Emergency Relief Funding**
- 1.1.4.2 **Municipal Fire and Emergency Management Resourcing Program**
- 1.1.4.4 **Youth Health Service**
- 1.1.4.5 **Community Grants - Major**
- 1.1.4.6 **Whorouly South Community Centre**
- 1.1.5.1 **Name for New Building at Showgrounds**
- 1.1.5.2 **Wangaratta Recreation Parklands Master Plan - Update**

- (ii) Councillor’s Retreat dated 5&6 February 2012:**

- 1.1 **Setting the Scene**
- 1.2 **3 year reflection**
- 1.3 **Council Policies Review - Status Report**
- 1.4 **Strategies Review - Status Report**
- 1.5 **South Wangaratta Urban Renewal Masterplan**
- 1.6 **Multi Deck Carpark**
- 1.7 **Council election – preparations and impacts (caretaker provisions)**
- 1.8 **Freight Strategy**
- 1.9 **Open Space Strategy and Recreation Strategy**
- 1.10 **Carbon Tax – implications for LG**
- 1.11 **Regular Forum Reports Part 1**
- 2.1 **Waste Management Strategy**
- 2.3 **Heritage Study**
- 2.4 **Council Plan Review**

Carried.

13. NOTICE OF MOTION

Nil.

14. URGENT BUSINESS

The Chief Executive Officer presented one item of urgent business dealing with the Merriwa Park request for use of reserve land for car parking.

(Moved: Councillor A Griffiths/Councillor L McCully)

Recommendation

That the matter be considered.

14.1.1.1 MERRIWA PARK: REQUEST FOR USE OF RESERVE LAND FOR CAR PARKING

Parking Policy - Wangaratta Central Business Area

83.005.002

Introduction

Since Council's decision to make application to the Minister for Environment for the use of reserve land for car parking at Merriwa Park, developments have occurred which give rise to urgent consideration by Council.

Background

Council resolved at its January 2012 meeting as follows:

"That:

1. Council approve the proposed variations to the Merriwa Park / Kaluna Park Masterplan as outlined within the report;
2. Council endorse an application to the Minister under Section 17E of the Crown Land (Reserves) Act for the use of reserve land for car parking;
3. All stakeholders including major users of the park be advised in writing of the variations to Merriwa Park / Kaluna Park Masterplan as outlined within this report."

A written request was made to the Minister to this effect.

On 15 February 2012, the Minister for Environment, Mr Ryan Smith, visited Wangaratta at the request of the Member for Murray Valley, Mr Tim McCurdy, and met with the Mayor, CEO and Councillor Webb.

Following the visit to Council's Bowser Landfill, the Minister advised that he had been approached by a resident with a potential compromise solution to the car parking request at Merriwa Park, currently before him. This involved removing one of the driveways to the disabled toilets and reconfiguring the car park to reduce the number of car parks available. The Minister requested Council to

investigate an alternative and to respond to him within the week, prior to him making a decision.

Both the Mayor and the CEO gave an undertaking to do so in good faith.

Issues

A compromise plan has now been developed in response to the Minister's request, which contains the following distinguishing features to the plan currently before the Minister:

- Removes inner roadway to the disabled toilet facilities and reduces car parking at this location;
- Narrows the road into the park area as a consequence;
- Reduces untimed car parking from 40 spaces to 30 spaces;
- Reduces overall car parking in the proposed plan by 16 spaces;
- Contains untimed car parking to the redundant tennis court area;
- Eliminates isolated areas of parkland currently disconnected by roadways allowing for largely uninterrupted parkland areas;
- Increases overall parkland by 800m².

This proposal results in car parking spaces being foregone but increased parkland in a continuous pattern being gained.

Implications

The Minister has sought a Council decision on a compromise proposal by this week.

While the compromise outcome does not meet the car parking capacity of the previously approved plan, alternative opportunities can be investigated elsewhere.

Conclusion

The Minister's intervention has been a positive move and has led to the development of a compromise plan.

Recommendation

That Council endorse an amended application to the Minister under Section 17E of the Crown Land (Reserves) Act for the use of reserve land for car parking at Merriwa Park in accordance with the attached plan.

(Moved Councillor L McCully/Councillor R Parisotto)

Recommendation

1. ***That Council endorse an amended application to the Minister under Section 17E of the Crown Land (Reserves) Act for the use of reserve land for car parking at Merriwa Park in accordance with the attached plan; and***

2. ***all Stakeholders including major users of the park be advised in writing of the variations to Merriwa Park/Kaluna Park Masterplan as outlined within this report.***

An amendment was put by Councillor A Griffiths and seconded by Councillor R Webb:

That further public consultation, including with the previous Master Plan Steering Committee, be conducted prior to Council developing a submission to the Minister under section 17E of the Crown Land (Reserves) Act relating to the use of reserve land for car parking at Merriwa Park.

After further discussion the mover and seconder agreed for the amendment to be further amended to:

1. ***That this matter be deferred to a Special Council Meeting pending further public consultation, including with the previous Master Plan Steering Committee, prior to Council developing a submission to the Minister under section 17E of the Crown Land (Reserves) Act relating to the use of reserve land for car parking at Merriwa Park land; and***
2. ***The Minister be notified accordingly.***

The amendment was put and was carried.

The amendment became the motion and was put and was carried.

15. AUTHORISATION OF SIGNING AND SEALING OF DOCUMENTS

Authorisation of Signing & Sealing of Documents

50.010.004

(Moved: Councillor L McCully/Councillor A Griffiths)**Recommendation*****That Council sign and seal the Transfer of Land documents for:***

- ***land situated at the rear of 11 Orwell Street, Wangaratta shown as Reserve No 1 PS 304503E as contained in Certificate of Title Volume 7674 Folio 056;***
- ***land situated at the rear 3-7 Orwell Street, Wangaratta shown as Reserve No 4 PS 313597Q as contained in Certificates of Title Volume 8350 Folio 827, Volume 8313 Folio 277, Volume 7244 Folio 767; and Volume 7244 Folio 766;***
- ***land situated at 439 Warby Range Road, Wangaratta shown as Road (R1) PS 339611E as contained in Certificate of Title Volume 5928 Folio 575; and***
- ***land situated at Oxley Flats Road, Wangaratta shown as Road (R1) PS 345515Q as contained in Certificate of Title Volume 9374 Folio 413.***

Carried.

16. PUBLIC QUESTION TIME

Public Question Time

10.020.004

Louine Robinson – Wangaratta

Ms Robinson asked when the Steering Committee could expect to be notified of consultation.

Mr Doug Sharp responded that the Committee would hear within the next 48 hours. Mr Sharp noted that we need to ensure the Minister is happy with the delay.

Simon Quilty – Wangaratta

Mr Quilty asked when Council will enable further public input to produce other compromises.

Mr Doug Sharp responded that further public consultation is wide ranging possibly involving public notice and the final decision will be Council.

Ann Ryan

Ms Ryan asked if Council would include all information on its website, including all submissions received.

Mr Doug Sharp responded that it will depend on the timing of the Minister's decision but will consider available options.

Alison Smith – Wangaratta

Ms Smith referred to the proposed 60 car parks in Merriwa Park and asked what the expected cost is and is this the best way of solving the CBD problem?

Mr Gasperoni responded that the total cost of the carpark works is \$280,000.

David McCabe – Killawarra

Mr McCabe asked if Council would reconsider policy on road signage for localities and towns?

The Mayor responded that Council will take it on board and respond to David.

Elaine Jacobsen – Wangaratta

Ms Jacobsen referred to her personal survey that found 194 empty car spaces and asked has Council been out and checked how many spaces are available?

Mr Sharp responded yes and that Council are responding to a perennial issue that says "parking is the issue". Mr Sharp also explained that by 2030 we would not have enough car spaces. However, there may also be days when parking capacity was not fully assessed.

Gary Nevin – Bobinawarra

Mr Nevin asked whether the voting of the individual members of the Agricultural and Agribusiness Advisory Committee would be made public.

Mr Nevin also queried the details of the planning consultant who provided the peer review of the Draft 2 Rural Land Strategy. This was provided by the Director Sustainability.

Mr Sharp responded no as it is the decision of the whole Committee

17. CONFIDENTIAL BUSINESS

Nil.

18. CLOSURE OF MEETING

The meeting closed at 9.05pm.

Confirmed this 20th day of March 2012.

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Cr R Paino
Mayor