

WANGARATTA RURAL CITY COUNCIL



RURAL CITY OF
WANGARATTA

MINUTES OF THE ORDINARY MEETING
OF THE WANGARATTA RURAL CITY COUNCIL, HELD
IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES,
62-68 OVENS STREET, WANGARATTA
ON **TUESDAY, 22 JANUARY 2013** COMMENCING AT 7.00PM

Doug Sharp
CHIEF EXECUTIVE OFFICER

As at 29/01/13 3:08 PM

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1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

2. **OPENING PRAYER**

3. **PRESENT**

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

Officers Present:

Mr Doug Sharp, (Chief Executive Officer); Mr Ray Park, (Director Sustainability);
Mr Andrew Close (Director Infrastructure Services); and Ms Ruth Tai (Director
Community Wellbeing)

4. **ABSENT**

Nil

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

Nil

ORDER OF BUSINESS

6. **CITIZENSHIP CEREMONY**

Nil

7. **CONFIRMATION OF MINUTES**

(Moved: Councillor J Fidge/Councillor T Atkins)

Recommendation:

That the Minutes of the Ordinary Meeting of 11 December 2012 be taken as read and confirmed as a true and accurate record of the proceedings of the meeting.

Carried

8. **CONFLICT OF INTEREST DISCLOSURE**

Councillor L McInerney declared a conflict of interest in item 11.2.2.6. - Planning Scheme Amendment C44 (Urban Precincts) as her place of employment is in a heritage building in the urban precinct.

Councillor J Fidge and the Chief Executive Officer advised the Mayor prior to the meeting, of their conflicts of interest in the matter to be dealt with under Item 18 – Confidential Business.

9. RECEPTION OF PETITIONS

9.1.1.1 PETITION – TREE ON PRIVATE PROPERTY 13 BERRY PLACE

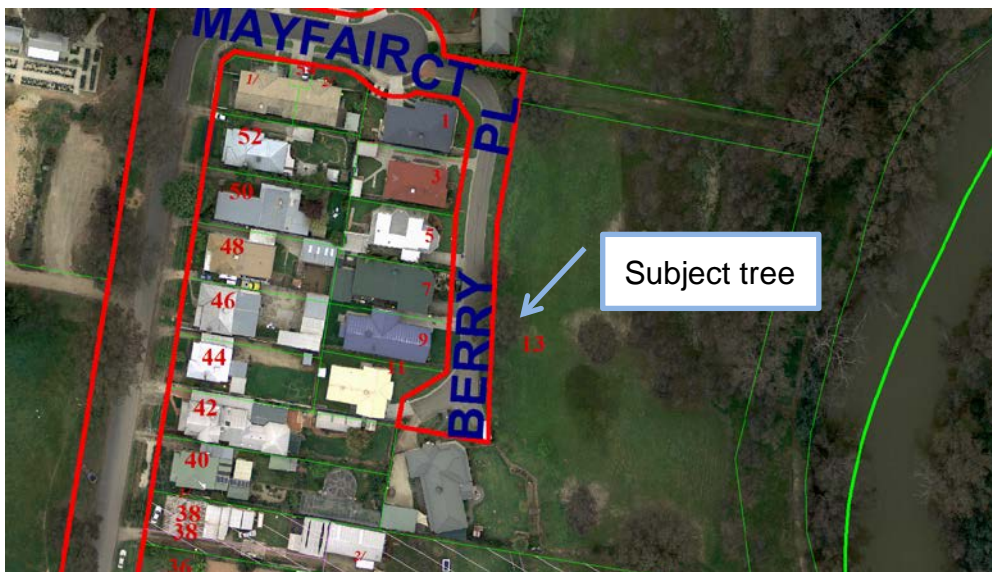
Trees

78.025.002

Background

A petition containing signatures from 5 of the 7 property owners of Berry Place Wangaratta has been received. Berry Place has 7 houses on the western side of the court, including a house at number 13. Number 13 also includes vacant land on the eastern side of Berry Court, which is within the floodplain of the Ovens River.

The petitioners request that Council remove a gum tree sited on the vacant land of number 13, due to the dropping of limbs and debris and concerns about the potential danger of this tall tree to residents and houses.



A copy of the petition is attached (*refer attachment*).

Issues

In accordance with Local Law No. 2 of 2009 – Meeting Procedures, a petition/ joint letter presented to the Council must lay on the table until the next ordinary meeting of the Council and no motion, other than to receive the petition/ joint letter, may be accepted by the Chairperson, unless Council agrees to deal with it earlier.

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

Recommendation

That:

- 1. the petition regarding the tree on private property at 13 Berry Place be received; and***
- 2. a report about the issues raised be considered at the Ordinary Council meeting to be held on Tuesday 19 February 2013.***

Carried

Communication

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

9.1.1.2 **JOINT LETTER – RE NED KELLY INTERPRETIVE CENTRE RE-SCOPING STUDY**

Ned Kelly Interpretive Centre

25.040.035

Background

A joint letter containing 5 signatures from ratepayers and business operators of Glenrowan was received on 10 December 2012. The signatories state that "...although they are in agreement with the need to develop the Heritage Precinct within Glenrowan, they are not in favour of many of the aspects of the Re-scoping Study..."

A copy of the joint letter is attached (***refer attachment***).

Issues

In accordance with Local Law No. 2 of 2009 – Meeting Procedures, a petition/joint letter presented to the Council must lay on the table until the next ordinary meeting of the Council and no motion, other than to receive the petition/joint letter, may be accepted by the Chairperson, unless Council agrees to deal with it earlier.

(Moved: Councillor D Joyce/Councillor J Fidge)

Recommendation

That:

- 1. the joint letter regarding the Ned Kelly Interpretive Centre Re-scoping Study be received; and***

2. ***the issues raised in the joint letter be considered as part of a future report on the outcome of the consultation process and further development of the Ned Kelly Interpretive Centre concept.***

Carried

Communication

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

9.1.1.3 **PETITION – RE ALTERATION TO SPEED LIMIT ON WANGANDARY ROAD, BETWEEN CHRISTENSEN LANE AND REITH ROAD**

Wangandary Road

17730

Background

A petition containing some 21 signatures from members of the community has been received. The petitioners request that the speed limit on this section of road be increased to 80kph.

A copy of the petition is attached (***refer attachment***).

Issues

In accordance with Local Law No. 2 of 2009 – Meeting Procedures, a petition/joint letter presented to the Council must lay on the table until the next ordinary meeting of the Council and no motion, other than to receive the petition/joint letter, may be accepted by the Chairperson, unless Council agrees to deal with it earlier.

(Moved: Councillor N Amery/Councillor L McInerney)

Recommendation

That:

1. ***the petition regarding the alteration to speed limit on Wangandary Road, between Christensen Lane and Reith Road be received; and***
2. ***a report about the issues raised be considered at the Ordinary Council meeting to be held on Tuesday 19 February 2013.***

Carried

Communication

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

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 2013 AUSTRALIA DAY AWARDS

2013 Australia Day Citizens Awards

10.050.001

Introduction

Council recognises the significant community contribution by residents of the Rural City of Wangaratta through the conferring of Australia Day Awards.

Background

In 2012 Council undertook an extensive review of the Policy which describes the process and arrangements for the recognition of community contribution and events on Australia Day by the Rural City of Wangaratta. The review included establishment of a working party comprising community and Council representation and an extensive community consultation process.

Following this review the "Australia Day Event and Awards" Policy was adopted in July 2012.

As per the Policy:

1. *Council has the responsibility for the management of the process associated with calling for nominations and selection of Australia Day Award recipients.*
2. *Council determines the recipients of the Rural City of Wangaratta 2013 Australia Day Awards.*
3. *Council presents awards on an annual basis for the following Australia Day Award categories:*
 - a. *Citizen of the Year*
 - b. *Young Citizen of the Year*
 - c. *Community Event of the Year.*
4. *The announcement of recipients is not made public until Australia Day.*

Council called for nominations for the Rural City of Wangaratta's 2013 Australia Day Awards by contacting the various township committees, advertising in the Wangaratta Chronicle and advertising on Council's website. Nominations closed on 7 December 2012.

Council met as a Committee of Council on Thursday 3 January 2013 to determine the recipients of the Rural City of Wangaratta 2013 Australia Day Awards. The names of the recipients chosen by the Committee of Council are included in the Confidential Attachment (***refer attachment***).

Issues

Local Achiever of the Year awards are also awarded in some rural towns. The recipients of these awards are determined by committees from the individual rural towns. As Wangaratta City does not have a local committee to determine a "Wangaratta" Local Achiever, Council may also determine the recipient of this award.

Implications

Policies

Australia Day Event and Awards Policy.

Conclusion

Australia Day is a day on which all Australians may feel a degree of both national and civic pride. The recognition of community contribution by residents of the Rural City of Wangaratta via Australia Day Awards is an appropriate means of expressing this.

(Moved: Councillor T Atkins/Councillor J Fidge)

Recommendation

That:

- 1. The recipients of the Rural City of Wangaratta 2013 Australia Day Awards as agreed at the Committee of Council held Thursday 3 January 2013 be endorsed; and***
- 2. The recipients of the Rural City of Wangaratta 2013 Australia Day Awards be announced publicly at the Australia Day function to be held in King George V Memorial Gardens on 26 January 2013.***

Carried

Communication

Those nominees who are not recipients of these awards will receive a congratulatory letter and a Certificate of Recognition following the announcement.

11.2.1.2 COUNCIL REPRESENTATIVE TO THE MUNICIPAL ASSOCIATION OF VICTORIA

Municipal Association of Victoria

42.070.010

Introduction

The Municipal Association of Victoria (MAV) Rules provide that Councils must appoint a representative and a substitute representative of the Council to the (MAV).

Councils are required to notify the MAV as soon as possible after the appointment/s and no later than four weeks prior to the MAV Election Day.

The next MAV Election Day is Friday 1 March 2013, therefore representatives must be notified to MAV no later than Friday 1 February 2013. This requirement enables the MAV to compile a list of all MAV Representatives.

Background

The Mayor was appointed as Council's representative at the Council meeting on 11 December 2012.

No substitute representative was appointed.

Issues

Council needs to consider the appointment of a substitute representative so that in the event of the absence of the MAV representative at meetings such as the State Council, the Rural City of Wangaratta would be able to vote on motions considered by State Council.

Conclusion

As a consequence of the above, Council needs to appoint a substitute representative to the Municipal Association of Victoria.

(Moved: Councillor J Fidge/Councillor L McInerney)

Recommendation:

That Council appoint Councillor Paul O'Brien as a substitute representative to the Municipal Association of Victoria for a twelve month term.

Carried

Communication

That the MAV be formally advised of the substitute representative.

11.2.2 SUSTAINABILITY

11.2.2.1 2012/2013 BUDGET REVIEW

Council Budget 2012/2013

51.060.020

Introduction

The Local Government Act requires Council to prepare a Budget for each financial year. In addition, a Council must prepare a Revised Budget if circumstances arise which cause a material change in the Budget and which affects the financial operations and position of the Council.

Background

In line with usual practice, a review of operating and capital Budgets compared to actual and expected income and expenditure has been undertaken.

The review has not identified circumstances that will cause a material change to the Budget.

The review has confirmed the outcomes of Council's monthly Budget review process that has also not identified any significant variations from the Adopted Budget or matters that would affect the achievement of the projected surplus.

Issues

As indicated above, Council must prepare a Revised Budget where a material change in the Budget is expected.

Precedent:

In recent years there have been circumstances that required a Revised Budget to be prepared. For instance, in 2010/11 the September 2010 flood involved expenditure and grant income of \$1.9m and this necessitated a Revised Budget. In 2008/09 additional grants for capital projects of more than \$450,000 required a Revised Budget.

In 2011/12 and 2009/10 circumstances did not require a Revised Budget.

Superannuation funding call:

Consideration had been given to the funding call from Vision Super in regard to the Defined Benefits Scheme shortfall. However, given there has been no agreed industry response to the funding call, that there are unresolved issues in regard to Superannuation Contribution Tax and Workcover premium and that any repayment is not due until 1 July 2013, there is no impact on the 2012/2013 Budget.

Other projects:

A project for construction of a footpath in Mason Street has been referred to the Revised Budget process for consideration. Due to the complexity of design and construction options, this project will not proceed to construction in the current financial year. As a result, incorporation in a Revised Budget is unnecessary.

Implications

The formal Revised Budget process involves:

- Preparing a Revised Budget document and resolving to advise that such a document has been prepared;
- the Draft Budget is then exhibited for 28 days during which time submissions may be made;
- after 28 days Council must formally consider any submissions received and determine whether or not to amend the Revised Budget; and
- a resolution is then required to adopt the Revised Budget.

Conclusion

As there are no matters identified that will cause a material change to the Adopted Budget it is considered unnecessary to proceed to the preparation and adoption of a Revised Budget.

(Moved: Councillor P O'Brien/Councillor N Amery)

Recommendation

That no formal Revised Budget be prepared.

Carried

11.2.2.2 LOCAL AUTHORITIES SUPERANNUATION FUND DEFINED BENEFITS PLAN

Employee Superannuation

File No.59.020.002

Introduction

This report provides an update on Council's obligation regarding the Local Authorities Superannuation Fund Defined Benefit Plan (the Plan) unfunded liability. Council's share of the shortfall is \$2,735,424 plus contributions tax, totalling \$482,722.

Background

Council received a report at its Ordinary Meeting held on 18 September providing details of the history and implications for Council regarding the repayment of the funding shortfall. (***refer attachment***) As a result of this report, Council resolved the following:

That Council:

1. *express, in the strongest possible terms, its concerns to the Municipal Association of Victoria about the consequences of this matter on the long term financial sustainability of Victorian Local Government generally and the Rural City of Wangaratta in particular, and urge the MAV to pursue a resolution as a matter of urgency;*
2. *support, and take any action necessary in regard to the proposals put forward by the Shire of Glenelg;*
3. *advise Local, State and Federal Members of Parliament, the State Premier and Victorian Senators of the implications of this matter and request their support for the State Government to participate in resolving the matter; and*
4. *support a delegation to the Federal Government Minister to seek the necessary legislative change to remove the requirement for full funding of the Defined Benefit Superannuation Fund.*

Issues

As a result of the above resolution, the following actions and results have occurred:

1. Correspondence has been delivered to the Municipal Association of Victoria (MAV);
2. Correspondence has been delivered to the Shire of Glenelg;
3. Correspondence has been delivered to Local, State and Federal Members of Parliament and the State Premier and Victorian Senators; Copies of the responses received are attached to this report. **(refer attachment)**

A summary of the responses received from parliamentarians follows:

Correspondent	Details
State Shadow Minister for Veterans' Affairs – Senator the Hon. Michael Ronaldson	Council's letter forwarded to Mrs Sophie Mirabella, Federal Member for Indi.
State Member for Northern Victoria – Kaye Darveniza MP	Council's letter forwarded to Ms Jeanette Powell, State Minister for Local Government.
State Member for Northern Victoria Region – Damien Drum MLC	Matter raised with Ms Jeanette Powell, State Minister for Local Government.
Federal Minister for Regional Australia, Regional Development and Local Government	Advises that the requirements of the <i>Superannuation Industry (Supervision) Act 1993</i> are in place to protect the entitlements of employees who are members of these schemes.

Correspondent	Details
Labor Senator for Victoria – Senator David Feeney	Should the matter come before me in the Senate, will give Council's position full consideration.
Office of the Premier	Council's letter forwarded to Ms Jeanette Powell, State Minister for Local Government.
State Minister for Local Government	Acknowledges legal liability of councils to meet fund liabilities as they fall due. Advises that Councils have 15 years to repay the shortfall and that concessions will be provided for early payment. Has referred the matter to the Treasurer who has agreed that the Treasury Corporation of Victoria is available to provide technical advice to the sector.
State Member for Murray Valley – Tim McCurdy MLA	Council's letter forwarded to Ms Jeanette Powell, State Minister for Local Government.

On 13 December, the MAV Defined Benefit Taskforce issued its Final Report. This report has previously been provided to Councillors. The Report proposes a suite of recommendations that will reduce the consequences of the current and any future shortfalls, but will not remove the obligation of Councils to meet the shortfall.

The Report concludes – “The consequence of the shortfall will be severe for the sector. Councils will not be able to provide infrastructure and services as planned to the community. This will have an influence on people's lives as valuable community services are cut, rates are increased, or more debt is taken on.”

Implications

Council Plan Outcomes

The Council Plan 2009-2013 contains a Key Strategic Activity to provide responsible financial practices ensuring Council's on-going financial viability.

Sustainability

Funding the shortfall will require the Council to consider borrowing and other options for supporting Council's long term financial position.

Conflict of Interest

The Chief Executive Officer and Director Sustainability have a conflict of interest in this matter.

Conclusion

The responses from parliamentarians indicate that there is little recognition of the financial consequences for the local government sector and no interest in becoming involved. The MAV Defined Benefit Taskforce Final Report does not

provide Council with a solution to this serious financial issue. Further action for Council in relation to this matter, may include an invitation to the Chief Executive Officer of the MAV, Mr Rob Spence to provide a briefing on future options for Council.

Recommendation:

That:

1. *Council extend an invitation to the Chief Executive Officer of the Municipal Association Victoria to visit Council to discuss future options for Councils in relation to the Local Authorities Superannuation Fund Defined Benefit Plan shortfall; and*
2. *Council invite other Councils in the North East Region to participate in this discussion.*

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

That:

1. ***Council extend an invitation to the Chief Executive Officer of the Municipal Association Victoria and representatives of Vision Super to visit Council to discuss future options for Councils in relation to the Local Authorities Superannuation Fund Defined Benefit Plan shortfall; and***
2. ***Council invite other Councils in the North East Region to participate in this discussion.***

Carried

Communication

Mr Rob Spence, and North East Regional Councils will be advised of this recommendation.

11.2.2.3 COMPLETION OF THE ECO LIVING SUSTAINABLE COMMUNITIES PROJECT

Eco Living Project

71.040.003

Introduction

The Eco Living Project has been in progress for the past two years with funding ceasing in December 2012. Part funded by Sustainability Victoria's Sustainability Fund, the project allowed for the position of Council's Sustainability Education Officer part time. The project has fulfilled all milestones and funding requirements in this time.

The aim of the Eco Living Project was to provide education via demonstration and example of what can be done in households to reduce energy, water and waste. The following is a snapshot of what the project has achieved over the past two years.

Background

Sustainable retrofits of HP Barr Community Centre:

Solar PV

A 4.32 kW dual-axis tracking solar PV and identical sized roof mount solar PV systems were installed at the community centre. These two systems provide 88% of the energy needs for the centre. Comparing the two systems found that the dual axis tracking system is 17% more efficient than the roof mounted system.

Solar hot water

30 solar hot water evacuated tubes were installed to reduce hot water heating for the sporting change rooms at the centre.

Lighting comparison display

Three banks of different down lights have been installed to compare the running costs of high and low wattage down lights. This has been a particularly useful display when demonstrating to people how much down lights can cost over time and replacements for lower running costs.

Signage

Interpretative signage in and around the community centre has been installed to inform visitors and users of the features of the centre. The content of these signs are able to be changed as new information and technology becomes available.

Additional water tank

An additional 221 kL water tank has been installed behind WISAC, collecting rainwater, bore water and river water when needed. This tank provides irrigation to the surrounding ovals and also toilet flushing water for the community centre. The additional water tank ensures the water security of the HP Barr Reserve for times of water shortage.

Water wise garden

A garden with exotic and native water wise plants has been established, demonstrating the different varieties of plants which can be suited for household garden planting. A sign with a plant legend will soon be installed in this garden.

Display food garden

An enclosed food garden has been built to display types of food which can be grown in the Wangaratta area, demonstrating seasonality and sustainable gardening practices. A partnership has been formed with Park Lane Nursery's Bushrangers crew to establish the first crop of vegetables and with 'Fuel – Food for Energy' café which operates within WISAC, to use the produce.

Next year, the garden will be available to community organisations for an allotted growing season to make use of and/or value-add to their current programs.

Eco Living Trailer

The Eco Living education trailer was developed to provide sustainability education beyond the community centre. As the community centre has a high user rate and access to the centre can be limited to rural residents, the education trailer can be transported to a variety of locations. The trailer was constructed by local businesses within the north east.

In 2012, the Eco Living trailer was present at 20 local events within the Rural City of Wangaratta. These events included community markets, expo's, community information days and sustainability events. Organisations from outside the Rural City of Wangaratta have expressed interest in hosting the Eco Living Trailer at their events for 2013. The hire and use of the Eco Living Trailer may attract a service fee for users outside of the municipality and these arrangements are being formalised.

Workshops

In line with community education, the Sustainable Homes Workshops assisted residents with building and retrofitting sustainably. Three workshops were held with 28 participants attending. Each participant received a workshop folder with the information and resources needed to develop an action plan which they could then implement into their own homes. The workshop resources were sourced from the South East Council's Climate Change Alliance.

Conclusion

This has been an extremely meaningful project and has provided Council with a number of education tools and resources that have ongoing value. In addition to energy and water saving measures, it will result in reduced utility costs in the future. Displays and information will continue to inform and educate residents. The mobile education trailer is unique to the north east with the Rural City of Wangaratta being the only council with this type of resource. This project has not only saved on Council's utility costs but has given residents the tools and resources to reduce their own household costs.

Moved: Councillor J Fidge/Councillor D Joyce)

Recommendation:

That the report be noted.

Carried

11.2.2.4 COMMUNITY LOAN REQUEST FOR UPGRADE OF A.C. SWINBURNE PAVILION - WHITFIELD

Whitfield Recreation Reserve

3563

Whitfield Recreation Reserve Committee of Management

42.120.023

Introduction

This report provides Council with the details of a request by the Whitfield Recreation Reserve Committee of Management (the Committee) for a Community Loan totalling \$14,000. This loan will enable the completion of a storeroom as part of the upgrade of the Swinburne pavilion. The letter requesting loan funds is attached (***refer attachment***).

Background

The Victorian Government has provided funding to Local Government through the Regional Growth Fund to develop infrastructure projects. The Local Government Infrastructure Fund (LGIF) is a component of this funding. The LGIF aims to provide regional and rural councils with certainty to plan for and build new infrastructure or renew assets. Other components of the Regional Growth fund include Putting Locals First (PLF), and the Community Works Program (CWP).

A report to Council's July 2012 meeting provided details to Council of the local projects allocated to each funding component in order to maximise the funding options available for community projects.

The upgrade to the Swinburne Pavilion is included in this report and a budgetary commitment was made by Council in the 2012/13 financial year.

The total cost of the upgrade is \$600,000 comprising a contribution from the LGIF of \$500,000 and \$100,000 from Council.

Following a meeting between Council officers and the Committee in January 2012, plans were prepared and tenders advertised in September 2012. The lowest tender received required \$177,847 of cost reductions to match the project budget of \$600,000.

Issues

Modifications of the original plan were made, following consultation with Council's Buildings Management Officer, and agreed to by the Committee.

These modifications comprise the exclusion of a large portion of a storeroom at the rear of the building.

As noted in the attached correspondence (*refer attachment*), the deletion of this storeroom area would 'greatly compromise our goals and future plans for this building'. The Committee intends to use this area in the future to provide for occasional care, medical and maternal and child health services. The Committee is seeking loan funds of \$14,000 to provide the additional storeroom capacity. Construction work on the project commenced 14 January 2013.

Council has a Community Loans Policy and has a history of providing loans to community groups where the policy conditions are met. Loans to the following organisations are currently in place:

- Glenrowan Recreation Reserve – building improvements;
- Wangaratta City Ladies Bowling Club – water storage facilities;
- Moyhu Bowls Club – synthetic green; and
- Wangaratta City Soccer Club – female change rooms.

In accordance with Council's Community Loans Policy, requiring other possible sources of funding be exhausted, the Committee applied for a loan through the Commonwealth Bank. This application was denied.

Implications

Council Plan Objective

The Council Plan contains objectives to:

- Plan for and provide infrastructure appropriate to the community's needs;
- Plan developments and public spaces that take into account community needs and desires while being practical and responsive to longer term needs; and
- To ensure the amenity of public and built environments is attractive, safe and practical.

The Council plan contains a Key Strategic Activity to investigate and implement infrastructure opportunities that support community aspirations.

Policies

Council's Community Loans Policy requires a number of eligibility criteria to be met by organisations requesting loan funds (*refer attachment*).

Sustainability

Council's Financial Position

The Council contribution for projects identified for the LGIF, PLF and CWP scheduled for 2012/2013 have been provided for in Council's Budget.

The granting of this loan will require the Committee to enter into a written agreement with Council whereby interest rates and repayment terms are to be determined in a consistent manner. A repayment schedule detailing the borrowing term and interest rates will be contained in this agreement.

Local Community

The completion of this project will provide facilities to enhance future community health services to local residents.

Community Engagement

This project is included in the Whitfield Community Plan as the first priority under the infrastructure category.

Conclusion

The Committee has made significant concessions to the original upgrade plans in order to meet the project budget. The project is supported by Council's strategic objectives and can be accommodated in Council's Community Loans Policy. Council's community planning process has identified this project as a key component of the Whitfield Community Plan. It is therefore recommended that Council support this application for loan funding.

(Moved: Councillor T Atkins/Councillor D Joyce)

Recommendation:

That Council approve the application by the Whitfield Recreation Reserve Committee of Management for loan funds of \$14,000 to provide the additional storeroom capacity in the upgrade of the A.C. Swinburne Pavilion.

Carried

Communication

The Committee will be advised of Council's decision.

11.2.2.5 WANGARATTA PLANNING SCHEME AMENDMENT C43 (RURAL PLACES)

C43 – Wangaratta Rural Heritage Overlay

73.030.060:

This report recommends that Council undertake public exhibition of documentation supporting an amendment to the Heritage Overlay (HO) of the Wangaratta Planning Scheme. The exhibition documentation will include the following:

- indicative draft amendment to the Wangaratta Planning Scheme comprising:
 - Draft Explanatory Report; (***refer attachment***)
 - Draft Schedule to the Heritage Overlay; (***refer attachment***) and

- Heritage consultant firm CONTEXT report titled 'Rural City of Wangaratta Heritage Study Review (Part 1) and Urban Precincts 2011 Volume 2: Rural Places' (November 2011).

Following this period of public exhibition and consultation, and the consideration of any outcomes, Council may resolve to seek Ministerial Authorisation to prepare Wangaratta Planning Scheme Amendment C43 (Rural Places) which will then be exhibited as per the requirements of the *Planning and Environment Act 1987*.

This proposed Amendment C43 to the Wangaratta Planning Scheme is a stage of ongoing heritage projects for Council. The next stage will include further investigation and review of an additional 33 rural places as well as finalising outstanding documentation for another 85 rural sites. This undertaking will then form the basis of a further amendment to the Planning Scheme at the appropriate time.

Background

In 2004 Council undertook a Thematic Heritage Study which assessed heritage significance across the municipal area. That study identified a total of 400 places that were regarded as having either local or State heritage significance.

The Methodology and Approach

The 2004 Heritage Study listed 203 individual properties located across rural areas and townships that are not currently included in the Heritage Overlay.

An audit of this list was undertaken in 2009 to ascertain if any of the places identified in the 2004 Heritage Study had since been removed. The results showed that 7 buildings/structures have been demolished.

A more detailed review of the remaining 196 properties was then undertaken with Council's Heritage Advisor, Ms Deborah Kemp, to rank the sites as being high, medium or low priority. The ranking was based on the level of importance for each building/structure and any known threats such as neglect.

Twenty six of these properties were determined to be of the highest significance / priority and are included in this current project.

The heritage consultant firm CONTEXT was then engaged in 2011 to review the heritage values and/or condition of these 26 rural places. This work included complete revision of the heritage inventory sheets to facilitate entry of data into the Heritage Victoria HERMES (HERitage Management Electronic System) database.

The members of Council's Arts, Culture and Heritage Advisory Committee met with the consultants at the beginning of the project and were informed of the process. A commitment was given that a copy of the final report would be provided to the committee for comment.

Volume 2 of the CONTEXT relates to the identified Rural Places. A copy of this report has previously been provided to Councillors.

The work of CONTEXT was carried out in accordance with the Australia ICOMOS *Charter for Places of Cultural Heritage Significance* (the Burra Charter) and its guidelines. In the review/assessment of significance the HERCON criteria have been relied upon. That is, the standard criteria adopted at the 1998 Conference on Heritage which is based on the longstanding, and much used, Australian Heritage Commission criteria. The thresholds applied in the application of significance include State significance and local significance. Local significance *'includes those places that are important to a particular community or locality'*.

In reviewing/assessing the significance of places and precincts the information in the 2004 Heritage Study was relied upon. Additional research was carried out where required. In regards to inspection of individual properties located in the rural areas, generally the land owner/s willingly assisted the inspection task by providing access to buildings and sharing their knowledge of the history of each place. Some of the buildings were viewed from the front and or side property boundary where they were located close to the road.

The heritage significance of one site is also evident through the inclusion of this property on the Register of the National Trust (Vic).

Council's Heritage Advisor, Ms Deborah Kemp, was also consulted as part of the project and she was able to provide additional information to assist the consultants, as necessary.

The draft report was subsequently reviewed by council officers as well as Ms Kemp and the final draft of the report was then provided to Councillors in November 2011.

Recommendations for Rural Heritage Places (Amendment C43)

A "*HERMES Citation Report*" has been produced for each of the 26 rural places. Each of these reports contains the following information:

- A history of the locality, including when it was founded and settled;
- A history of the place, including changes in ownership and what was known about the person/s;
- A physical description of the building and/or structure and associated curtilage;
- A comparative analysis of the specific place against others in the locality, region and State;
- A Statement of Significance that explains how, why, what is significant, and the determined level of significance (eg. local, State or national significance); and
- A recommendation as to whether the place/item should be heritage listed and what controls should be applied.

The report prepared by CONTEXT recommends that the following rural places be included within the HO as individual items of local heritage significance. In addition, the Grange Homestead at 2014 Great Alpine Rd, Everton and the Stone Mill at 123 Carboor-Everton Road, Markwood are also recommended for inclusion in the Victorian Heritage Register.

Rural Place	Rural Place
Winery - Bynong Farmstead, Carboor 1291 Carboor-Everton Road	Stone mill Markwood 123 Carboor-Everton Rd
Cool store, elm trees Former Porter Homestead Edi Upper 843 Lake Buffalo-Whitfield Rd	House The Grange Everton 2014 Great Alpine Road
Former Court house, police station, stables Eldorado 96 Main Street	Post office and shop Oxley 1152 Green St
Stable Everton 2143 Great Alpine Road	Oxley Shire Hall Oxley 1157 Green St
Church St Brigid's Catholic Church Greta (Hansonville) 861 Moyhu-Hansonville Road	House Oxley 1174 Green St
Tobacco factory - Former Henley Tobacco Factory Markwood 2499 Glenrowan-Myrtleford Road	House Oxley 1188 Green St
Farm complex Former Henley Farmstead Markwood 2527 Glenrowan-Myrtleford Road	Church/hall Former Protestant hall Oxley 7 Shadforth Street
House - Former parsonage Milawa 1545 Glenrowan-Myrtleford Road	Farm complex - Grossman's farm Wangaratta North 24 Boorhaman Road
House - Ercildoon Milawa 1573 Glenrowan-Myrtleford Road	Farm complex - Targoora Station Wangaratta North 337 Wangaratta-Whitfield Road
House - Clivara Milawa 1580 Glenrowan-Myrtleford Road	House - Warrillah Whitfield 4721 Wangaratta-Whitfield Road
House & tree Milawa 180 Milawa-Bobinawarrah Road	Settlement & chapel Whitlands 88 Burders Lane
Tobacco kilns Group of farm sheds and kilns Moyhu 234 Robustelles Lane	Farm complex - Hurdle Creek Homestead Whorouly South 294 Carboor-Whorouly Road
War memorial - Soldiers Memorial Reserve Oxley Green St	Farm complex - Guildford Farmstead Whorouly South 319 Whorouly South Road

In identifying these places for inclusion in the Heritage Overlay, all sites except Hurdle Creek Homestead, have been mapped so as to ensure that the overlay only applies to the area of significance containing the building/s and structures rather than the entire property. Until such time as a detailed inspection of the

Hurdle Creek site has been undertaken for the assessment of the integrity and condition of the homestead and outbuildings, it has been recommended that the entire property be included within the Heritage Overlay.

Implications

Council Plan Outcomes

The Council Plan contains an action *'to implement the process to amend the Planning Scheme to incorporate a Heritage Overlay for rural areas'*. (Action No. 2.2.3.2)

Sustainability

Local Community

The protection of Council's heritage assets provides a local identity and a historical connection to community foundations.

Community Engagement

Individual land holders have been consulted for rural heritage sites. The members of Council's Arts, Culture and Heritage Advisory Committee were consulted prior to the preparation of the CONTEXT report.

Conclusion

There has been an extensive body of work that has been undertaken in relation to Heritage Conservation within the rural areas of the City.

It is recommended that Council undertake public exhibition of the draft Wangaratta Planning Scheme amendment documentation and the CONTEXT report 'Rural City of Wangaratta Heritage Study Review (Part 1) and Urban Precincts 2011 Volume 2: Rural Places' (November 2011). This will assist landowners to fully understand the recommendations of the Heritage Study and the effect on their property.

Following the exhibition and consultation period, a further report will be presented to Council regarding any submissions received and to request Council's agreement to commence the Planning Scheme amendment process by seeking authorisation from the Minister for Planning

Recommendation:

That the Chief Executive Officer be authorised to:

- 1. give public notice that the CONTEXT report 'Rural City of Wangaratta Heritage Study Review (Part 1) and Urban Precincts 2011 Volume 2: Rural Places' (November 2011) and draft indicative amendment documentation be placed on public exhibition until 22 February 2013;*

2. *make available for public inspection CONTEXT report ‘Rural City of Wangaratta Heritage Study Review (Part 1) and Urban Precincts 2011 Volume 2: Rural Places’(November 2011) and draft indicative amendment documentation;*
3. *consult with each of the landowners of the 26 nominated rural heritage items regarding the findings of the CONTEXT report and invite submissions; and*
4. *provide a further report on the outcomes of this consultation.*

(Moved: Councillor N Amery/Councillor J Fidge)

That the Chief Executive Officer be authorised to:

1. ***give public notice that the CONTEXT report ‘Rural City of Wangaratta Heritage Study Review (Part 1) and Urban Precincts 2011 Volume 2: Rural Places’ (November 2011) and draft indicative amendment documentation be placed on public exhibition until 22 February 2013;***
2. ***make available for public inspection CONTEXT report ‘Rural City of Wangaratta Heritage Study Review (Part 1) and Urban Precincts 2011 Volume 2: Rural Places’(November 2011) and draft indicative amendment documentation;***
3. ***remove Hurdle Creek Homestead from this list;***
4. ***consult with each of the landowners of the remaining 25 nominated rural heritage items regarding the findings of the CONTEXT report and invite submissions; and***
5. ***provide a further report on the outcomes of this consultation.***

Carried

Communication

Landowners of affected properties will be notified of this process and Council’s Arts, Culture and Heritage Advisory Committee will be advised of Council’s recommendation.

11.2.2.6 WANGARATTA PLANNING SCHEME AMENDMENT C44 (URBAN PRECINCTS)

C44 – Wangaratta Urban Heritage Overlay

73.030.059

Councillor L McInerney left the room prior to consideration and voting of item 11.2.2.6 at 7:21pm having previously declared a conflict of interest.

Introduction

This report recommends that Council undertake public exhibition of documentation supporting an amendment to the Heritage Overlay (HO) of the Wangaratta Planning Scheme as it relates to urban precincts. The exhibition documentation will include the following:

- indicative draft amendment to the Wangaratta Planning Scheme comprising:
 - Draft Explanatory Report; (**refer attachment**)
 - Draft Schedule to the Heritage Overlay; (**refer attachment**) and
- Heritage consultant firm CONTEXT report 'Rural City of Wangaratta Heritage Study Review (Part 1) and Urban Precincts 2011 Volume 1: Urban Precincts' (November 2011).

Following this period of public exhibition, and consultation, and the consideration of any outcomes, Council may resolve to seek Ministerial Authorisation to prepare Wangaratta Planning Scheme Amendment C44 (Urban Precincts) which will then be exhibited as per the requirements of the *Planning and Environment Act 1987*.

Background

In 2004 Council undertook a Thematic Heritage Study which assessed heritage significance across the municipal area. There were a number of urban precincts that were identified as having local heritage significance. These precincts have already been included within the Heritage Overlay (HO) in the Planning Scheme.

The Methodology and Approach

In addition to individual heritage items, there are currently 17 precincts in urban Wangaratta that are included in the schedule to the HO. The use of the overlay on a day-to-day basis has revealed that the precincts in Wangaratta were mapped in a blanket fashion, sometimes including buildings that have little significance to the respective precinct. This means that Planning Permits are required for changes to existing buildings that are not significant enough to warrant particular attention to heritage principles. As part of a Study brief the consultant (CONTEXT) was tasked with reviewing the boundaries and extent of these existing Urban Precincts.

The members of Council's Arts, Culture and Heritage Advisory Committee met with the consultants at the beginning of the project and were informed of the process. A commitment was given that a copy of the final report would be

provided to the committee for comment before or at the same time as the community consultation phase.

Volume 1 of the CONTEXT report relates specifically to the Urban Precincts. A copy of the report has previously been provided to Councillors.

The work of CONTEXT was carried out in accordance with the Australia ICOMOS *Charter for Places of Cultural Heritage Significance* (the Burra Charter) and its guidelines. In the review/assessment of significance the HERCON criteria have been relied upon. That is, the standard criteria adopted at the 1998 Conference on Heritage which is based on the longstanding, and much used, Australian Heritage Commission criteria. The thresholds applied in the application of significance include State significance and local significance. Local significance *'includes those places that are important to a particular community or locality'*.

In reviewing/assessing the significance of places and precincts the information in the 2004 Heritage Study was relied upon. Additional research was carried out where required. All precincts were inspected and re-surveyed.

Council's Heritage Advisor, Ms Deborah Kemp, was also consulted as part of the project and she was able to provide additional information to assist the consultants, as necessary.

The draft report was subsequently reviewed by council officers as well as Ms Kemp and the final draft of the report was then provided to Councillors in November 2011.

Recommendations for the Existing Heritage Precincts (Amendment C44)

For the purposes of the Precinct Review it was agreed that a precinct is considered to possess one or more of the following characteristics:

- They contain contributory places that individually or as a group illustrate important themes set out in the thematic history;
- The places within a precinct may or may not adjoin one another. Where they do not form a contiguous grouping they will have a strong and demonstrated thematic association;
- Where places form a contiguous grouping they will have largely intact or visually cohesive streetscapes that are either aesthetically or historically significant (or both). Precincts that are historically significant will include elements such as housing styles and subdivision layouts that are representative or typical of a particular era or type. Precincts of aesthetic significance will be distinguished by the high or exceptional quality of the housing design and/or estate layout and features when compared to other examples; and
- They may contain a high proportion of Significant or Contributory properties.

The consultant recommendations include:

- Identification of the precincts that should be deleted or added to the HO in the Wangaratta Planning Scheme;
- Modifications to existing HO's boundaries over precincts; and
- Introduction of Planning Permit exemptions to provide clarity as to the type and scale of development that should trigger the need for a Planning Permit.

Amendment C44 will only focus on the Precinct Recommendations. While there are also recommendations in respect of a number of urban places of individual significance that fall outside of precinct boundaries, these will be the subject of a further planning scheme Amendment to be pursued at a later date.

Precinct citations have also been updated in HERMES to reflect the findings of the Precinct Review.

Implications

Council Plan Outcomes

The Council Plan contains an action to 'implement the process to amend the Heritage controls for Urban areas contained in the Planning Scheme.' (Action No. 2.2.3.1)

Sustainability

Local Community

The protection of Council's heritage assets provides a local identity and a historical connection to community foundations.

Community Engagement

The members of Council's Arts, Culture and Heritage Advisory Committee were consulted prior to the preparation of the CONTEXT report. Landholders within the 17 urban heritage precincts will be advised of this amendment process

Conclusion

The review of the existing Urban Heritage Precincts aims to rationalise the HO precinct boundaries, individually list items under a new HO, and to clarify the effect of the overlay controls. The precinct boundaries change involves removing a number of properties from these precincts. The remaining properties identified in the CONTEXT report are already within the heritage overlay.

A number of properties have been identified for individual listing with heritage overlay. New controls relate to street trees and external paint controls.

It is recommended that Council undertake public exhibition of the Draft Wangaratta Planning Scheme amendment documentation and the CONTEXT report 'Rural City of Wangaratta Heritage Study Review (Part 1) and Urban Precincts 2011 Volume 1: Urban Precincts' (November 2011). This will assist

landowners to fully understand the recommendations of the CONTEXT report and the effect on their property.

Following the exhibition and consultation period, a further report is to be presented to Council regarding any submissions received and to request Council's agreement to commence the Planning Scheme amendment process by seeking authorisation from the Minister for Planning

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

Recommendation:

That the Chief Executive Officer be authorised to:

- 1. give public notice that the CONTEXT Report 'Rural City of Wangaratta Heritage Study Review (Part 1) and Urban Precincts 2011 Volume 1: Urban Precincts' (November 2011) and draft indicative amendment documentation be placed on public exhibition until 22 February 2013;***
- 2. make available for public inspection the CONTEXT report 'Rural City of Wangaratta Heritage Study Review (Part 1) and Urban Precincts 2011 Volume 1: Urban Precincts' (November 2011) and draft indicative amendment documentation;***
- 3. consult with each of the landowners of the new nominated individual heritage items/heritage overlay and landowners within proposed new boundaries of the existing Heritage Overlay regarding the findings of the CONTEXT Report and invite submissions; and***
- 4. Provide a further report on the outcomes of this consultation.***

Carried

Communication

Landowners of affected properties will be notified of this process and Council's Arts, Culture and Heritage Advisory Committee will also be advised of Council's recommendation.

Councillor L McInerney returned to the room at 7:25pm.

11.2.2.7 PLANNING PERMIT APPLICATION PInApp12/129 - USE AND DEVELOPMENT OF LAND FOR ANIMAL KEEPING (DOG BREEDING) AT 362 FOREST ROAD KILLAWARRA VIC 3678,

PInApp

12/129

Background

Applicant: MS Rosmulder
Owner: Jordan P Rosmulder & Michelle S Rosmulder
Subject Land: Lot 1 LP 202170 Vol 9661 Fol 158
362 Forest Road KILLAWARRA VIC 3678

Zone: Farming Zone
Overlay: Bushfire Management Overlay
Permit Trigger: Clause 35.07-1 Use of land for Animal Keeping (Dog Breeding) and Clause 35.07-4 Buildings and Works associated with a Section 2 Use

Introduction

This report deals with a planning permit application for the use and development of land for Animal Keeping (Dog Breeding). A planning permit is required as the proposal is to keep more than five breeding dogs on site. The application received five (5) letters of objection and is therefore referred to Council for decision. A recommendation is made to support the application and issue a Notice of Decision to grant a permit (NOD).

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

Proposal

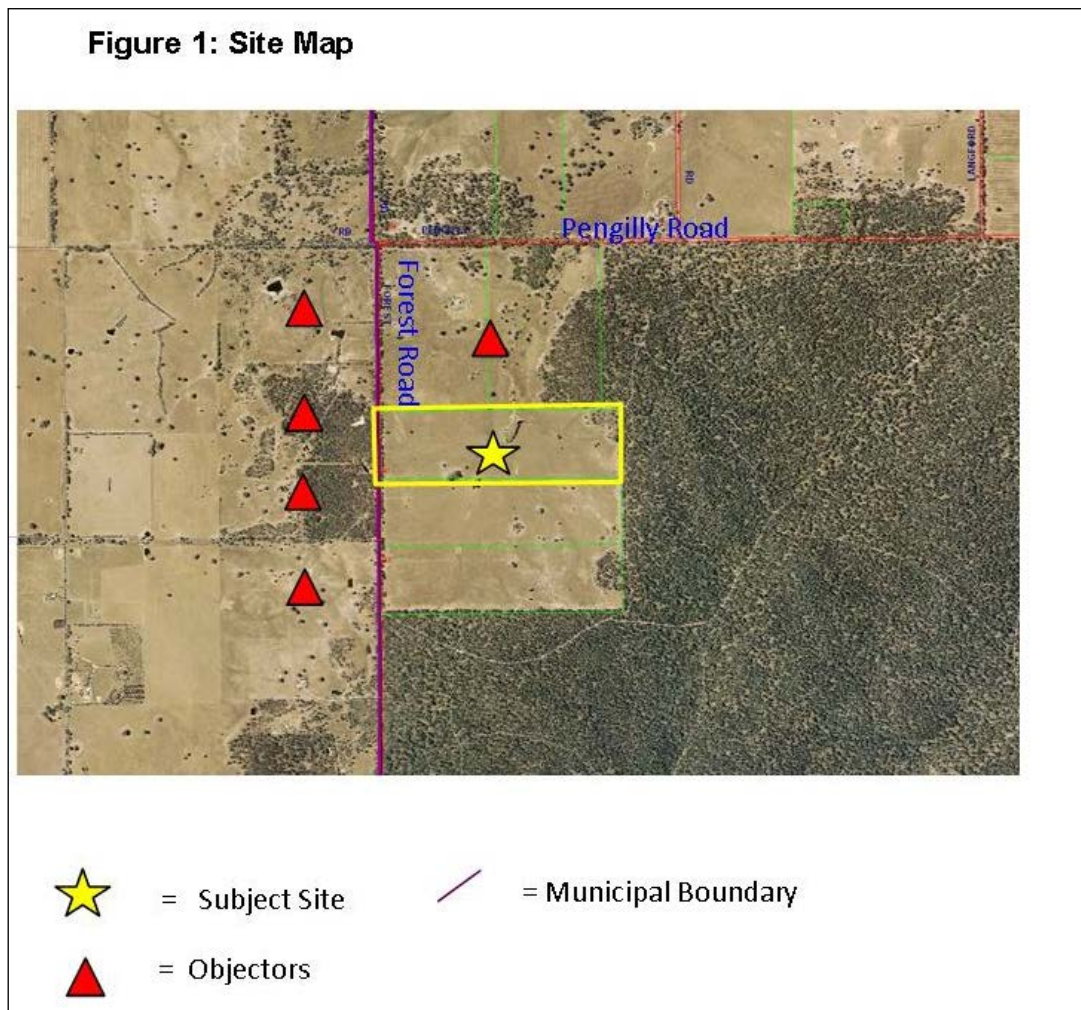
The application proposes the use and development of the land for the purpose of breeding Border Collie dogs for commercial sale. The development includes the construction of pens to house the breeding dogs to a standard required by the *Code of Practice for the Operation of Breeding and Rearing Establishments* (the Code) (**refer attachment**).

Subject Site & Locality

The subject land is located on the eastern side of Forest Road, Boweya, adjacent the western boundary of the municipality (refer to Figure 1). The subject land is 43 hectares in area and is developed with a new dwelling and existing temporary dog pens. The balance of the land is used for grazing. The site has a frontage to Forest Road of 340 metres.

Adjacent and surrounding land uses to the north and west are small acre farms, ranging from 40 to 50 hectares; the majority of these properties have dwellings. To the east of the site is the Killawarra Forest, a significant Crown Land Reserve, dominated by ironbark woodland. To the south are two more 43 hectare blocks,

owned by the extended family of the applicant, Michelle Rosmulder. The southern block has a newly constructed dwelling, and the middle block is currently vacant.



Issues

A significant level of interest in this application has been generated by ongoing issues with barking dogs. Whilst the owner of 318 Forest Road (two properties to the south of the subject site) is known to keep a fluctuating number of dogs for hunting purposes, there is no planning control to manage this activity. Many of the concerns raised and distress experienced by objectors are a result of both the existing dog breeding establishment and the hunting dogs kept at 318 Forest Road. Only the matters raised directly by the proposed dog breeding facility can be considered in this application.

Planning Considerations

The subject site is zoned Farming Zone and is partially affected by the Bushfire Management Overlay. A planning permit is required to use and develop the land for Animal Keeping (if more than 5 animals are to be kept for breeding) pursuant to Clauses 35.07-1 and 35.07-4 of the Wangaratta Planning Scheme (the Scheme). Animal keeping is defined in the Scheme as:

Land used to:

- a) Breed or board domestic pets; or
- b) Keep, breed or board racing dogs.

As the proposal is to keep breed up to 12 dogs, a planning permit is required. This permit application relates only to breeding dogs. The following summarises the Scheme requirements and decision guidelines applying to this proposal (commentary and assessment against these guidelines follows under Assessment):

Local Planning Policy Framework (LPPF), including Municipal Strategic Statement and Local Planning Policies

Clause 21.05 Rural Land Use and Agriculture

Strategic Directions:

- *Encourage the growth and development of environmentally and economically sustainable agricultural enterprises.*
- *Minimise potential amenity impacts between rural agricultural uses and rural lifestyle uses, particularly in higher agricultural productivity and versatility areas.*

Clause 22.01-1 Housing and Sheds in Rural Areas (Local Policy)

This policy applies to all land in the Farming Zone.

Policy Basis

The agricultural sector is a significant economic industry and social resource in the municipality. Rural housing that is not associated with dedicated rural and agricultural activities can potentially undermine the viability of the rural sector. Housing for lifestyle purposes in rural areas has the potential to create demand for community and physical infrastructure that may be more appropriately located in dedicated rural living areas. The appearance of rural buildings is also important given the high visual quality of landscapes in the municipality.

Objectives

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

Policy

Exercising discretion

It is policy to:

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

Zone Provisions

Clause 35.07 Farming Zone

Purpose

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To protect and enhance natural resources and the biodiversity of the area.*

Permit required

A permit is required to use and develop land for Animal Keeping (Dog Breeding) as there are proposed to be more than five animals for breeding purposes.

A permit is required to construct or carry out “a building or works associated with a use in Section 2 of Clause 35.07-1”.

Decision Guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*

Agricultural issues

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

Design and siting issues

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
- *Whether the use and development will require traffic management measures.*

Overlay Provisions

Clause 44.06 Bushfire Management Overlay (BMO)

Although the property is partially affected by the BMO, the proposed use and development of land do not trigger the need for a planning permit. An assessment is not made, therefore, against the provisions of this clause.

Consultation

Notification of the application was given to adjoining owners and occupiers. Five written objections, with seven signatories, were received.

The objections cited concern over the following issues:

- Noise of barking dogs, including duration and volume;
- Welfare of animals, given perceived poor track record with other animals on the property;
- Security of animals as other animals have escaped the property; and
- Litter created on property that blows about the area.

A conciliation meeting was held on 10 October 2012 and was attended by the brother-in-law and father of the applicant, six objectors, the Director of Sustainability (as chaired during 'caretaker period') and three Council Planners.

Discussion at the meeting covered the concerns raised in the letters of objection. The applicant's representative was asked to describe how the housing of the dogs would meet the Code of Practice.

There were three agreed outcomes from the meeting, as follows:

- that Council officers will contact the applicant to organise a site visit to discuss suitable location for pens;
- that the applicant will prepare a draft site plan showing a revised location for the pens, with dimensions and elevation and proposed landscaping, to be submitted and circulated to objectors for comment; and
- that Council officers will prepare and circulate draft conditions to objectors and the applicant prior to a determination being made.

Following a telephone conversation with the applicant on the same day as conciliation, it was agreed that the applicant would prepare a revised site plan with pen locations, without the need for a site visit from Council officers.

Once revised plans were received from the applicant on 15 November 2012, a letter was prepared and sent to objectors with the revised plans and a set of draft planning permit conditions for comment and feedback (**refer attachment**).

A letter signed by eight objectors was received on 5 December 2012, providing comment on the plans and draft conditions. The letter reiterated noise as the main issue and made additional comments regarding the following (considered relevant):

- Standard and content of submitted site plan;
- Location and frequency of waste bin collection;
- Limit of ten dogs, not twelve; and
- Timeframe for complying with permit requirements.

The objections are summarised below: (Grounds of objection are underlined. Council Officer's responses are provided below each ground of objection).

Noise of barking dogs, including volume and duration

The noise of barking dogs already kept at the property is loud, constant and highly disturbing to neighbours.

Officer Comment: As discussed under the Issues section of this report, much of the barking noise experienced by objectors is caused by hunting dogs kept at an adjacent property. It is appropriate that these dogs be managed through the proper mechanism, being Council's Enforcement section, which is aware of the issue.

In terms of the breeding dogs, a permit can be conditioned to manage the siting and construction of the dog pens to reduce noise to neighbouring properties. The proposed location of the pens is approximately 356 metres from Forest Road. The proposed orientation of the pens is to the east, with the enclosed metal cladding required for shelter along the western elevation to contain noise. It is also recommended that suitable landscape planting be undertaken to act as a sound barrier.

It is acknowledged that dogs bark for a number of reasons. Good shelter, regular exercise and sufficient food and water should be provided as a matter of course and should assist in reducing barking. The Code of Practice sets out basic requirements for shelter, exercise and nutrition. The planning application, however, can only address shelter as part of the 'development' aspect of this application. It is recommended that the permit be conditioned to address location and construction of the dog housing to meet the Code of Practice.

Welfare and security of dogs

Concern is expressed about the welfare and security of the dogs, given reports by neighbours of other animals escaping the property or being housed with inadequate shelter. The lack of exercise for the dogs is of particular concern and is considered one of the main reasons for the incessant barking.

Officer Comment: The ongoing welfare of the dogs is a matter for the RSPCA to monitor and enforce as required, through the Code of Practice. The draft permit conditions include requirements for housing to meet the Code of Practice in terms of materials, standard of shelter and ability to clean. The amount of exercise and food made available to the dogs is not a planning concern.

Security of the premises is a legitimate planning concern in terms of the safety and suitable containment of the dogs. Conditions can address the ability to lock the pens and the requirement for a 1.8 metre high perimeter fence to prevent the escape of animals.

It is also proposed to condition the permit to limit the number of breeding dogs to ten at any given time. This limit should apply until such time as the applicant can demonstrate the establishment meets the Code of Practice and no longer poses a threat to neighbourhood amenity.

Litter and odour from waste generated by dogs

Concern is expressed about the quantity of unsecured litter currently generated from the property. Also, the location of the trade waste bin to hold waste from the dog pens is too close to the road and not emptied frequently enough.

Officer Comment: The management of waste and litter are legitimate planning concerns. The draft conditions included a suitable location for the trade waste bin to be determined to the satisfaction of Council, and the double bagging and fortnightly collection of waste from the pens. The general amenity condition can also be applied to the proposal. This condition requires the management of odour and noise emissions and can assist Council officers to enforce these basic requirements.

Referrals

Authority	Response
External Section 55 (Mandatory)	
Nil	
Internal (Comment)	
Environmental Health	No objection and no conditions
Local Laws	No objection

Assessment

Use of land for dog breeding

The subject land is zoned Farming Zone and, as such, there is an expectation that people will keep and breed animals for commercial purposes. The proposed use of the land to breed Border Collie dogs is considered appropriate, provided the amenity impacts caused by this activity can be suitably managed so as not to create an ongoing problem for neighbours and Council.

Development of land for dog pens

The related development of the land for dog pens is considered appropriate in the Farming Zone, given the proposed location of the pens, materials and scale of development as a proportion of the subject site. It is appropriate to condition the development to control location and orientation of pens, colours and materials and landscaping to mitigate visual impact and noise.

Management of noise

The ongoing management and mitigation of noise from barking dogs is at the heart of this application. Despite the inability to control the activities of hunting dogs on the neighbouring property, it should be possible to run a dog breeding establishment without significant impact on neighbours.

A suitable location for the pens and proper construction in accordance with the Code of Practice will go some way to mitigate noise. It is also incumbent on the applicant to ensure the dogs are properly fed and exercised so that they do not bark and fight amongst themselves. These activities are regulated through the RSPCA and, to a lesser degree, by the authority that registers the premises as a commercial breeding establishment (in this case, Council's Enforcement section).

Management of other amenity impacts

The security of the dogs and management of litter and waste materials can be managed to a great extent through permit conditions. It is appropriate to condition the requirement for lockable gates and a 1.8 metre high perimeter fence to prevent the escape of animals. It is also proposed to require double bagging of waste from pens and the collection of waste from a suitably located trade waste bin on a fortnightly basis.

A standard general amenity condition can also be placed on the permit. This condition is used widely on planning permits to cover the emission of noise, light, waste and odour from premises, and gives Council the ability to monitor and enforce if required.

Conclusion

On the basis of the discussion within this report, it is considered that the application for use and development for animal keeping (dog breeding) is appropriate for the site. Conditions of permit can ensure that any amenity impacts are acceptable and controlled within the bounds of the permit.

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

(Moved: Councillor P O'Brien/Councillor N Amery)

Recommendation:

That Council resolve to issue a Notice of Decision to Grant a Planning Permit (NOD) with respect to Planning Permit Application No. PlnApp12/129 for Use and Development of Land for Animal Keeping (Dog Breeding) subject to the following conditions:

Rural City of Wangaratta Conditions:

- 1. Before the use and development commence, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application (following conciliation), but modified to show:***
 - (a) The location of the existing dwelling in relation to the dog pens;***
 - (b) External materials and finishes, including colours, of the pens;***

- (c) Location of the trade waste bin adjacent the dog pens.**
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
 - 3. Within three months from the date of this permit, the applicant must construct the dog pens hereby permitted and demolish the existing temporary structures so that dogs can no longer be housed in them, to the satisfaction of the Responsible Authority.**
 - 4. The floor of the animal housing areas must be made of an impervious material to assist cleaning and drainage. Wood, brick, dirt or grass floors are not acceptable except in exercise areas.**
 - 5. All kennels must be provided with a weatherproof sleeping area containing raised beds constructed of a material other than concrete, such as wood or plastic.**
 - 6. Kennel floors must be sloped to enable wastes and water to run off.**
 - 7. A collection drain must be provided to take away water after cleaning.**
 - 8. All animal waste is to be double bagged, placed in a trade waste bin and collected on a fortnightly basis, to the satisfaction of the Responsible Authority.**
 - 9. The pens must be able to be securely locked.**
 - 10. The pens must have an external perimeter fence at least 1.8 metres high surrounding the establishment to prevent the escape of animals.**
 - 11. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:**
 - (a) Transport of materials, goods or commodities to or from the land;**
 - (b) Appearance of any building, works or materials;**
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and**
 - (d) Presence of vermin.**
 - 12. Within three months from completion of the dog pens hereby permitted, the landscaping shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shall then be maintained to the satisfaction of the Responsible Authority.**

- 13. The animal keeping facility hereby permitted shall house no more than ten dogs for breeding purposes at any one time, unless a variation is sought in writing from the Responsible Authority.**
- 14. This permit will expire if one of the following circumstances applies:**
- (a) The use is not started within two years of the date of this permit.**
 - (b) If commenced within two years, the use is then discontinued for a period of two years of the date this permit was issued.**

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

Carried

Communication:

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

11.2.3 COMMUNITY WELLBEING

11.2.3.1 AUSPICE OF COMMUNITY RAFFLES 2013, 2014 and 2015

Community Raffle

60.010.007

Introduction

This report proposes procedures to be undertaken for an Expression of Interest (EOI) process to obtain an auspice organisation for the 2013 – 2015 Rural City of Wangaratta Community Raffles, with an option for a further five years pending satisfactory performance and mutual agreement.

Background

At the Council meeting held on 11 December 2012 Council made the following resolutions:

1. *Acknowledge the cancellation of the 2012 Community Raffle;*
2. *Endorse the approach to distribute the allocated 2011/2012 budget funds for the Raffle through an Extraordinary Grants Program process; and*
3. *Endorse the approach to undertake an Expression of Interest process to determine the auspice of the Community Raffle for the 2012/2013, 2013/2014 and 2014/2015 years.*

The cancellation of the 2012 Community Raffle was a result of changes to gaming legislation which impacted on the Raffle auspice arrangements and led to the withdrawal of YMCA Victoria.

Issues

To conduct the Raffle on Council's behalf organisations must be registered by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) as a community or charitable organisation. Service clubs and community groups/organisations will be invited to submit an EOI to be the auspice body for the Raffle, a community fundraising event, for the 2013, 2014 and 2015 years, with an option for a further five years pending satisfactory performance and mutual agreement.

Council will provide the funds to purchase the prizes (\$30,000) with the costs associated with the conduct and promotion of the Raffle subject to negotiation.

A copy of the draft EOI information and the draft EOI form is attached to this report (***refer attachment***).

Process

1. Groups are advised of the EOI opportunity;
2. Details of the EOI must be discussed with Council's Community & Recreation Manager prior to the submission of the EOI;
3. An EOI is to be made on the form provided;

4. EOI's will be assessed according to the selection criteria and shortlisted;
5. The successful submission is recommended for Council approval;
6. Successful submitter is notified and engaged through an Agreement/ Memorandum of Understanding (**refer attachment**); and
7. Feedback will be provided on each submission.

Timelines

23 January 2013	EOI process opens
20 February 2013	EOI process closes
06 March 2013	EOI assessed, interviewed and appointed

Selection Criteria

The following selection criteria will be applied to this process:

- Eligible for appropriate community or charitable status and ability to obtain a raffle permit;
- Adequate resources to fulfil proposed activities;
- Capability to deliver the Raffle by required timeline;
- Capacity to enter into an Agreement with Council to auspice the Raffle for three years (2013 – 2015); and
- Capacity and acceptance to abide by the conditions of conducting a raffle set by the VCGLR.

Implications

Council Plan Outcomes

Support a Community Raffle or similar concept to provide the opportunity for community groups to raise funds.

Community Engagement

The community groups and the broader community have made several enquiries as to whether the Raffle is to run this year or not. The Raffle is well supported by the community which has generated this interest.

Once the proposed EOI procedure is finalised and endorsed by Council further correspondence and a media release will be provided to inform the community of the auspice agency and timelines for the running of the raffle.

Conclusion

The Raffle receives strong support from business and the general community and is recognised as a significant benefit for the community.

In most cases the Raffle prizes are won by local people which adds to the value provided to the community. Determining a suitable organisation to auspice the Raffle will provide an opportunity to raise a significant amount of funding for the local community.

Recommendation:

That Council endorse the proposed procedure and selection criteria outlined in this report and the attachments to undertake an Expression of Interest process to determine the auspice of the Community Raffle for the 2012/2013, 2013/2014 and 2014/2015 years, with an option for a further five years pending satisfactory performance and mutual agreement.

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

That Council endorse the proposed procedure and selection criteria outlined in this report and the attachments to undertake an Expression of Interest process to determine the auspice of the Community Raffle for the 2012/2013, 2013/2014 and 2014/2015 years, with an option of annual renewal for a further three years pending satisfactory performance and mutual agreement.

Carried

Communication

Service clubs and community groups/organisations will be informed of the EOI process and invited to make a submission. The broader community and community groups who have participated in the past Community Raffles will be advised of Council's decision.

11.2.3.2 EXTRAORDINARY COMMUNITY GRANTS ROUND

Community Grants

.68.040.001

Introduction

This report is to propose a process and procedures for an Extraordinary Community Grants Round in lieu of the 2012 Community Raffle.

Background

At the Council meeting held on 11 December 2012 Council made the following resolutions:

- 1. Acknowledge the cancellation of the 2012 Community Raffle;*
- 2. Endorse the approach to distribute the allocated 2011/2012 budget funds for the Raffle through an extraordinary Grants Program process; and*
- 3. Endorse the approach to undertake an Expression of Interest process to determine the auspice of the Community Raffle for the 2012/2013, 2013/2014 and 2014/2015 years.*

The cancellation of the 2012 Community Raffle was a result of changes to gaming legislation which impacted on the Raffle auspice arrangements and led to the withdrawal of YMCA Victoria. It is proposed that an extraordinary

Community Grants program be developed to disperse the allocated 2012 Community Raffle funds to the community.

Issues

The purpose of the 2013 Extraordinary Community Grants program is to provide those groups who have in the past sold tickets for the Raffle a means of accessing funds that would have otherwise been provided through the revenue gained from the Raffle. These groups have become dependent on the revenue generated from the Community Raffle so it is proposed to only include these groups in this process.

The proposed process will provide an amount of \$35,000 (carried forward from the 2011/2012 budget) to be distributed to local not for profit community groups and organisations in amounts of up to \$1,000 per group. Each group will be invited to make a submission on the form provided. An assessment panel of Council officers will assess each of the submissions against the criteria and make recommendations to Council for funds to be allocated.

Draft guidelines and a draft application form have been developed (***refer attachment***) to be disseminated to previous participating groups and organisations of the Raffle.

The proposed selection criteria are as follows:

- Benefits to the group and the community;
- Maintains / increases participation levels; and
- Supports the sustainability of the group.

The proposed timelines for the 2013 Extraordinary Community Grants Program is as follows:

- | | |
|--------------------|---|
| ▪ 23 January 2013 | Grant program opens |
| ▪ 28 February 2013 | Grant program closes |
| ▪ 22 March 2013 | Applications assessed |
| ▪ 23 April 2013 | Recommendations made to Council |
| ▪ 21 May 2013 | Council approval |
| ▪ 31 May 2013 | Notification of results and distribution of funds to community groups |

Contact details of a Council officer will be provided for representatives of the groups/organisations to discuss any queries they may have and to assist with any further information.

Implications

Council Plan Outcomes

Support a Community Raffle or similar concept to provide the opportunity for community groups to raise funds.

Sustainability

Local community not-for-profit groups and organisations previously involved in the delivery of the Community Raffle, by sale of tickets, will have the opportunity to access these funds. It is proposed not to widen the eligibility to apply for these funds as the funds are limited and will not provide for all the items previously provided for through proceeds from ticket sales.

Community Engagement

Several enquiries have been received from community groups and the broader community as to whether the Raffle is to run for the 2012 year. It is envisaged that the 2013 Extraordinary Community Grants program will generate significant interest and will be very well received by local community groups.

Once the proposed procedure is finalised and endorsed by Council further correspondence and a media release will be provided to inform the community.

Conclusion

A precedent has been set by Council in providing the annual Community Raffle since 2003 for local not-for-profit groups as a means of providing a sustainable funding source to support local clubs and groups that may have limited access to fundraising. It is important that the community is provided with the opportunity to access the allocated 2012 Community Raffle funds through the 2013 Extraordinary Community Grants program.

(Moved: Councillor L McInerney/Councillor D Joyce)

Recommendation:

That Council endorse the proposed procedure and attachments for the 2013 Extraordinary Community Grants program as outlined in this report.
Carried

Communication

The community groups who have participated in the past Community Raffles will be advised of Council's decision.

The broader community will be advised of the cancellation of the 2012 Community Raffle.

11.2.4 INFRASTRUCTURE SERVICES

11.2.4.1 ROAD NAMING PROPOSAL

Place/ Road Naming

73.020.014

Introduction

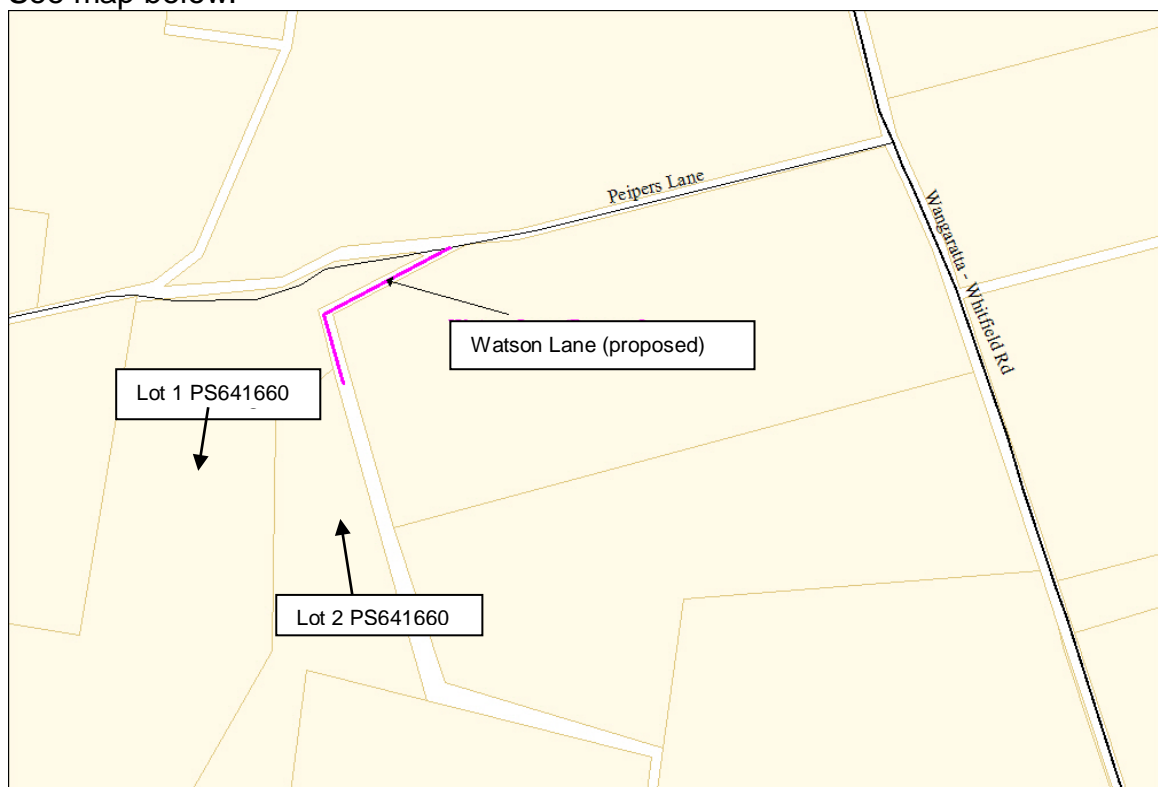
This report details a road naming proposal of an access road off Peipers Lane, Whitfield that was reconsidered at the Ordinary Council meeting held on 16 October 2012.

Background

Plan of subdivision PS641660 includes two lots that are wholly within the municipality of the Rural City of Wangaratta. Access to the 2 lots is via an unused road off Peipers Lane, Whitfield which has now been opened for public access. New distance based rural addresses are required for lots 1 & 2 of PS641660 for addressing and emergency services purposes.

Naming of the road does not imply any additional responsibilities on the Rural City of Wangaratta other than those that already exist.

See map below:



Following research and discussion by Council's Place Naming Committee a proposal to name the access road "Watson Lane" after Alexander Watson, whom it was thought owned land at the location in the 1940s, was considered by Council at the ordinary meeting of Council held on 26 June 2012. Council resolved as follows:

“That Council advertise its intention to name the property access road on Plan of Subdivision PS641660 “Watson Lane” and assign rural address numbers to each property.”

The proposal was advertised seeking feedback from the public, referral authorities and adjoining landowners. No objections were received from referral authorities but adjoining landowners felt that the name did not reflect the location and sought to suggest alternative names for the road.

As there are only two properties addressed to the road, the Place Naming Committee agreed to consider the alternative names provided. The names were checked for duplication and considered by the Place Naming Committee at its meeting held on 12 September 2012.

The preferred name proposed by the landowners was “Wombat Lane” and the proposal was put forward to Council at its meeting held on 16 October 2012 and resolved as follows:

“That Council advertise its intention to name the property access road on Plan of subdivision PS641660 “Wombat Lane” and assign rural address numbers to each property.”

The proposal was advertised seeking feedback from the public, referral authorities and adjoining landowners with submissions sought by close of business on 23 November 2012.

Issues

An objection was received to the proposal before the close of submissions, from a descendant of Alexander Watson (refer original naming proposal) who provided further information about the Watson family and associated land. The information provided revealed that the family property (land from Peipers Lane through to Whitty’s Lane) was acquired when Alexander Watson returned from the 1st World War and parts of the property remained in the family for three consecutive generations. The last remaining part of the property was sold by Raymond Watson in the late 1960s or early 1970s.

The objection was considered by the Place Naming Committee at its meeting held on 28 November 2012.

Clause 9 of Council’s Policy for Naming Roads, Streets and other Accessways, reads “Preference will be given to names that refer to the history and development of the municipality in accordance with the Geographic Place Names Act 1998.”

The Committee considered that the additional information provided by the objector gave greater depth to the Watson family’s association with the land.

The Committee therefore recommends that Council name the access road “Watson Lane”.

The adjoining landowners to the access road were advised of the objection received and the Committee's recommendation. They have responded that they would prefer the access road be named "Wombat Lane" as the name Watson no longer has connection to the land.

Conclusion

Due to the additional historical information provided, the Committee recommends that "Watson Lane" is an appropriate name for the access road.

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

Recommendation

That Council name the property access road off Peipers Lane, Whitfield on Plan of subdivision PS641660 as "Watson Lane" and assign rural address numbers to each property.

Carried

Communication

That the Registrar of Geographic Names and adjoining property owners be advised of Council's decision.

11.2.4.2 **ROAD MANAGEMENT PLAN REVIEW**

Road Management Plan

80.010.015

Introduction

Section 301 of the Road Management (General) Regulations 2005 requires Council to conduct a review of its Road Management Plan (RMP) by 30 June following the Council election.

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

Background

The RMP is Council's policy with respect to its road management function under the *Road Management Act 2004* (RMA). In the RMP, Council as the relevant road authority has the power under Section 41 of the RMA to determine the standard of construction, inspection, maintenance and repair of roads for which it is responsible.

A Code of Practice for Road Management Plans was released at the same time as the RMA and one of the stated purposes of the code was to provide practical guidance to road authorities on *'good road asset management practices focused on delivering optimal outcomes having regard to affordability, available*

resources, and the policies, priorities and strategies of governments and road authorities’.

The RMP allows Council to prioritise its maintenance budget to those roads which are listed on Council’s Register of Public Roads for which Council has a duty under the RMA to inspect, maintain, and repair.

Council last reviewed its RMP in 2009 and a copy of this review is attached for information (**refer attachment**). The review is undertaken in accordance with Part 3 of the Road Management (General) Regulations 2005 and includes an opportunity for public comment as part of the process.

Section 302 of the Road Management (General) Regulations requires notice to be given when Council is proposing to conduct a review of its RMP. This provides the public with the opportunity to make a submission to the review.

The notice must be published in the Government Gazette and in a daily newspaper generally circulating in the area in which roads to which the Road Management Plan applies are situated. The duty to give notice under Section 302(2) is delegated to the Director Infrastructure Services

The submission period must be for a minimum of 28 days.

Issues

The regulations require the incoming council to review its RMP during the same period as it is preparing its Council Plan under the Local Government Act.

Section 302(1) of the Road Management (General) Regulations 2005 states:

‘In conducting a review of its road management plan, a road authority must ensure that the standards in relation to, and the priorities to be given to, the inspection, maintenance and repair of the roads and classes of road to which the plan applies are appropriate.’

These standards could include the type or nature or seriousness of a defect that requires repair or warning (the intervention level) or, the time in which such defects should be repaired or a warning erected (response time).

The notification of the review of the RMP provides an opportunity for the community to make a submission with respect to their opinion of the appropriateness of the current Road Management Plan.

These submissions will be considered in the review of the RMP and should amendments be made, the subsequent draft Road Management Plan will be made available for the public to make a submission on the proposed amendments.

Implications

To commence the process, notices will be placed in the Government Gazette, the Chronicle, and on Council's website notifying the public of the review and inviting written submissions.

The notice will be published in the Government Gazette on Thursday 24 January 2013 and in the Chronicle on Friday 25 January 2013.

The closing date for written submissions will be 5.00pm Friday 22 February 2013.

If amendments are made to the current RMP, the public will have a further opportunity to comment on those amendments as part of the review process.

The regulations require a written report upon completion of the review of the RMP summarising the findings and conclusions of the review. The report is to be made available for copying and inspection by the public.

Conclusion

The Road Management Plan review process will commence with notification of Council's intent to conduct a review to allow the public to make written submission on Council's current plan.

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

Recommendation

That the Director Infrastructure Services be authorised to:

- 1. Advertise Council's intention to review its Road Management Plan;***
- 2. Make available for public inspection Councils' Road Management Plan;***
- and***
- 3. Provide a further report on the outcomes of this consultation.***

Carried

11.3 SPECIAL COMMITTEE REPORTS

11.3.1.1 FRIENDS OF LACLUTA SPECIAL COMMITTEE

Lacluta East Timor Friendship

42.070.020

Introduction

The Friends of Lacluta Special Committee's (FOLSC) aim is to develop opportunities to support the community of Lacluta, East Timor. The FOLSC provides this report from the Meeting held on 26 November 2012.

Attendees: J Ramsey, B Broz, B Walpole, E Walpole, L Brien (arrived 5.45pm), L Painter, K Jones, H Redmond, K Taylor, D Taylor, G Robertson, A Kimber, J Hernandez (left 6.40pm).

The following items were discussed by the Committee:

- Community Centre – two weeks training for four kindergarten teachers has been delivered with more follow up training to occur;
- Coordination of scholarships being undertaken by Alola Foundation for 2013 requires funds to be deposited;
- Resignation of B Broz from treasurer position;
- Election of E Walpole to combine secretary and treasurer's position;
- The Friends of Lacluta Committee website is up and running and regular information is requested to keep the site up to date;
- John Bradford is collecting bicycles to be donated to secondary school students in Lacluta;
- The Friends of Viqueque Committee (Geelong) will be visiting Wangaratta on 9/10 February 2013;
- The Dalan ba Dame film night raised \$1211 (net); and
- Financial report for period 27 August 2012 to 20 November 2012 was accepted.

(Moved: Councillor J Fidge/Councillor L McInerney)

Recommendation

That the report be noted.

Carried

11.4 ADVISORY COMMITTEE REPORTS

11.4.1.1 AGRICULTURE AND AGRIBUSINESS ADVISORY COMMITTEE

Agriculture and Agribusiness Advisory Committee

25.070.006

Introduction

Council's Agriculture and Agribusiness Advisory Committee (AAAC) held a meeting on Monday 17 December 2012.

Attendees: Councillor Noel Amery (Chair); Graham Nickless; Ray Park; Rosey Bennett; David Maples; Harvey Benton; Geoff Bussell; Lachlan Campbell and Graeme Norman.

A conflict of interest was declared by Harvey Benton as an employee of the Wangaratta Livestock Exchange.

A presentation was undertaken by Ms Gretal Heywood, a member of the state-wide Young Agriculture Professionals Committee. Gretal provided an insight into the aspirations of the newly established organisation and spoke of their "Future Farmers Network" and target audience 18-35 year old cohorts.

Council's Manager for Business Planning provided an update of strategic activities at the Wangaratta Saleyards including:

- Saleyards Business Plan Financial Model established;
- Fee Structure has been reviewed for incorporation into Business Plan;
- Review of planning issues specific to the existing site and surrounding land currently being undertaken;
- Formal agents agreement now being progressed; and
- EOI process for proposed Saleyards re-development to be finalised by January 2013.

Additional items were also discussed:

- Availability of raw water resource at Springhurst to enhance fire-fighting capacity;
- Planned review of Rural City of Wangaratta's Advisory Committees; and
- Officers to seek an understanding of "blue pegs" appearing on roadsides in the Springhurst-Londrigan area and advise back to Committee.

(Moved: Councillor N Amery/Councillor T Atkins)

Recommendation

That the report be noted.

Carried

11.4.1.2 PLACE NAMING COMMITTEE – MEETING REPORT

Place Naming Committee

73.020.014

Introduction

The Place Naming Committee (PNC) held a meeting on Wednesday 28 November 2012 with the following members in attendance: Cr Rozi Parisotto (Chair), Adrian Gasperoni, Sandra Dalton, Ken Jenvey, Neil Ottaway, Beryl Bellis, Ivan Tippet, Val Gleeson, Helen Guilfoyle and Julie Allen.

No conflicts of interest were declared.

The following items were discussed at the meeting:

- Naming of access road off Peipers Lane, Whitfield;
- Naming of Cemetery Roads;
- Road naming history to be researched by PNC (ongoing);
- Street naming for subdivision off Christensens Lane (old TAFE equine site);
- 3 Planning referrals for road naming; and
- Meeting dates for 2013.

The following items are reported for information:

Naming of Access Road off Peipers Lane, Whitfield

An objection received to the proposal to name the access road “Wombat Lane” was discussed. A report is located elsewhere in the agenda (see item number 11.2.4.1).

Naming of Cemetery Roads

Main access road naming proposal of ‘2/24 Battalion Drive’ forwarded to Geographic Names Registrar. Proposed names for other cemetery roads confirmed by Committee.

Street Naming for Subdivision off Christensens Lane

A list of suggested names from Wangaratta Cup winners with a local connection and suitable road types was provided for developers.

(Moved: Councillor J Fidge/Councillor T Atkins)

Recommendation:

That the report be noted.

Carried

13. 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
15-12-2012	Draft Agenda & Deputations Meeting	Attachment
18-12-2012	Councillors Briefing Forum	Attachment
18-12-2012	2012 Councillors’ Tour	Attachment
17-12-2012	Agriculture & Agribusiness Advisory Committee	Item 11.4.1.1
11-12-2012	Prior to Ordinary Council Meeting	Attachment
28-11-2012	Place Naming Committee	Item 11.4.1.2

Recommendation:

That:

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

- (i) *Councillor’s Briefing Forum dated 18 December 2012 :*

4.2.3.1 *Mav Committees – Expressions Of Interest*

- 4.2.3.3 *Councillor Participation – Australia Day 2013*
- 4.2.3.4 *Victorian Adaptation And Sustainability Partnership Ministerial Advisory Committee – Expression Of Interest*
- 4.2.3.5 *Draft King Valley Masterplan*
- 4.2.4.2 *Wangaratta Planning Scheme Car Parking Provisions And History Of Medical Centre Applications*
- 4.2.4.3 *Strategic Planning Program*
- 4.2.4.5 *Rural Land Strategy Review*
- 4.2.5.1 *Review And Update Of Community Amenity (Amendment) Local Law No. 1*
- 4.2.6.1 *Flood Restoration Works*

(Moved: Councillor D Joyce/Councillor T Atkins)

That:

1. ***Council receive the reports of Assemblies of Councillors with the inclusion of ‘Councillor Fidge Notice of Motion – Councillor Conduct Panel – withdrawn’ in the report of the Assembly of Councillors of 18 December 2012; 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 18 December 2012 :

- 4.2.3.1 ***Mav Committees – Expressions Of Interest***
- 4.2.3.3 ***Councillor Participation – Australia Day 2013***
- 4.2.3.4 ***Victorian Adaptation And Sustainability Partnership Ministerial Advisory Committee – Expression Of Interest***
- 4.2.3.5 ***Draft King Valley Masterplan***
- 4.2.4.2 ***Wangaratta Planning Scheme Car Parking Provisions And History Of Medical Centre Applications***
- 4.2.4.3 ***Strategic Planning Program***
- 4.2.4.5 ***Rural Land Strategy Review***
- 4.2.5.1 ***Review And Update Of Community Amenity (Amendment) Local Law No. 1***
- 4.2.6.1 ***Flood Restoration Works***

Carried

14. NOTICE OF MOTION

14.1.1.1 COUNCILLOR FIDGE

Notice of Motion

10.010.010

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

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

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

Carried

Councillor D Joyce requested a division and the results were:

***For: Councillor R Parisotto, Mayor; Councillor N Amery;
Councillor J Fidge and Councillor P O'Brien***

***Against: Councillor T Atkins; Councillor D Joyce and
Councillor L McInerney.***

14.1.1.2 COUNCILLOR O'BRIEN

Notice of Motion

10.010.010

Councillor Paul O'Brien has given notice of his intention to move the following motion:

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

That the Chief Executive Officer provides a report to Council in regard to the Vision Super Defined Benefits Scheme:

- 1. For consideration in advance of 2013/14 Budget deliberations;***
- 2. That sets out options to fund the current shortfall of \$3.22m including, but not limited to:***
 - Budget expenditure reductions and project deferrals in 2012/13 and future years***
 - asset sales***
 - borrowing from bank, government or other***
 - special government financial assistance***
 - rate increases; and***
- 3. That describes the arrangements to be put in place to minimise future funding calls and ensure Council's long term financial sustainability.***

Carried

15. URGENT BUSINESS

Councillor J Fidge referred to the November Council Meeting at Everton and requested information regarding the status of the bollards around the Cenotaph.

The Mayor declared the motion lapsed due to a lack of a seconder.

Councillor J Fidge requested information regarding the provision of the minimum toolkit to Councillors.

The Mayor declared the motion lapsed due to a lack of a seconder.

16. AUTHORISATION OF SIGNING AND SEALING OF DOCUMENTS

Authorisation of Signing & Sealing of Documents

50.010.004

Nil

17. PUBLIC QUESTION TIME

Public Question Time

10.020.004

Malcolm Carson – Docker

Mr Carson referred to the Road Management Plan of 2004 and enquired what Council were going to do about the drainage of 'Taggarts Lane'.

Mr Andrew Close, Director of Infrastructure, responded that the project was unsuccessful in gaining funding in last year's budget and would be put forward for this year's budget.

Gary Nevin – Bobinawarra

Mr Nevin referred to the Waste Water Management Plan which was to be developed in mid-2012 and asked when this plan might be operable as it was affecting planning permit applications in rural areas.

Mr Ray Park, Director Sustainability, informed Mr Nevin that Council had developed a plan but new guidelines had been released by the Minister and a project was being carried out with Mansfield Shire to develop a template for other Councils to adopt.

Mr Ron Woodward – Milawa

Mr Woodward was concerned about the damage to the roads in Milawa as a result of sewerage works and asked who was liable, Council or North East Water?

Mr Andrew Close replied that North East Water was responsible.

Jim Lewis – Wangaratta

Mr Lewis referred to projects raised at the November Council Meeting; the Ovens Riverside Project and the Ovens College Site, and inquired about the status of these projects. He also asked about the status of other projects and how the public could be kept informed about the progress of these, in particular the Bike Station in Merriwa Park, the WISAC Cogeneration project and the Streetlight changeover.

Mr Doug Sharp, Chief Executive Officer, responded that a report on the status of all major projects could be supplied to the February meeting.

Ken Clarke – Wangaratta

Mr Clarke asked if the Community groups who had participated in selling tickets for the Community Raffle would be able to apply for grants.

Ms Ruth Tai, Director Community Wellbeing, assured Mr Clarke they could.

Gary Nevin – Bobinawarra

Mr Nevin referred to items 11.2.2.5 and 11.2.2.6 and enquired why reports such as the CONTEXT reports could not be exhibited to the public sooner.

Councillor Rozi Parisotto, Mayor, responded that the reports had to be adopted by Council first but that maybe they could then be uploaded to the website.

Malcolm Carson – Docker

Mr Carson expressed his concern with bicycle riders still using the main Whitfield –Wangaratta road and his concern that the bike trails had been sealed with the wrong materials.

Mr Doug Sharp responded that the bike trails were constructed for general purpose bicycles and not specifically for road bicycles.

Jim Lewis – Wangaratta

Mr Lewis commented on the great achievement the Eco Living Centre was for Wangaratta but is disappointed at the lack of signage to alert people as to its location. He also enquired if it was possible to have signage at the Children's Centre and WISAC to inform the public about the status of power usage at these facilities.

Mr Ray Park replied that project funds had not allowed for a large public display but information on the amount of solar energy generated would be available on Council's website.

Phillip Servaes – Wangaratta

Mr Servaes referred to rumours of two new supermarkets being developed within the town and enquired as to the status of these.

Mr Doug Sharp responded that investigations are in progress but in the very early stages.

Councillor Julian Fidge

Councillor Fidge enquired if he was allowed to maintain his own road.

Andrew Close replied that he is allowed if he has obtained approval from Council.

18. CONFIDENTIAL BUSINESS

Local Government Act 1989. - a matter under Division 4 (*refer confidential attachment*).

(Moved: Councillor J Fidge/Councillor L McInerney)

Recommendation

That the meeting be closed to members of the public to discuss a matter which the Council considers would prejudice the Council or any person.

Carried

The meeting adjourned to the Councillor's Meeting Room.

19. CLOSURE OF MEETING

The meeting closed at 8:40pm.