

WANGARATTA RURAL CITY COUNCIL



MINUTES OF THE ORDINARY MEETING OF THE
WANGARATTA RURAL CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES
62-68 OVENS STREET, WANGARATTA
ON TUESDAY, 25 JANUARY 2011
AT 7.00 PM

Doug Sharp
CHIEF EXECUTIVE OFFICER

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1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

2. **OPENING PRAYER**

3. **PRESENT**

Chairman: Councillor Anthony Griffiths, Mayor

Councillor L McInerney, Councillor R Parisotto, Councillor R Webb, Councillor L McCully, Councillor D McPhie, Councillor R Paino

Officers Present:

Mr Doug Sharp (Chief Executive Officer), Mr Ray Park (Director – Sustainability), Mr Andrew Close (Director – Infrastructure), 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**

The Australian Citizenship ceremony (when applicable).

7. **CONFIRMATION OF MINUTES**

(Moved Councillor Parisotto / Councillor McPhie)

Recommendation

That the Minutes of the Ordinary Meeting of 14 December 2010 be taken as read and confirmed as a true and accurate record of the proceedings of the meeting.

Carried.

8. CONFLICT OF INTEREST DISCLOSURE

Nil.

9. RECEPTION OF PETITIONS

10. HEARING OF DEPUTATIONS

11. PRESENTATION OF REPORTS

11.1 COUNCILLOR'S REPORTS

11.2 OFFICER'S REPORTS

11.2.1 EXECUTIVE SERVICES

11.2.1.1 MEETINGS INCENTIVES CONFERENCES EVENTS (MICE) FUND

Conferences/Groups

25.040.013

Background

One of the key functions of the Wangaratta Performing Arts Centre (WPAC) is to attract state, national and international events to provide economic and social benefits to the local community.

The economic impact of Meetings Incentives Conferences Events (MICE) is considerable. Figures from the National Visitor Survey 2008, show that domestic conference delegates spend on average \$234 per day compared to the average spend per night of a domestic overnight visitor of \$163.

The marketplace is highly competitive and regional centres often bid for events, given the recognised economic benefits to their broader communities.

In order to ensure the Rural City of Wangaratta is competitive in its negotiations with conference convenors, an allocation of \$20,000 has been established within the 2010/2011 budget for MICE incentives.

The WPAC management team and the Rural City of Wangaratta's Tourism Development Manager have recommended a set of criteria and guidelines for applying the MICE incentives.

Issues

Assessment criteria for the use of the MICE incentives are recommended as follows:

Criteria

- Events should be held at the WPAC as the primary venue in order to qualify;
- Events should be for a minimum two day booking of the WPAC and be for a minimum one overnight stay;
- Events must show their impact to be substantial in terms of bed nights generated, ie only events that generate overnight stays will qualify;
- Events should have the capacity for pre and post touring which disperses the effect of the conference more widely throughout the local economy; and
- Only events of state, national or international significance are to receive support.

Funding Provision Guidelines

- Allocations will be provided up to a maximum of \$5,000 for use in off-setting venue hire or provision of ancillary conference program elements;
- There is no duplication or 'double dipping' by proponents of other Council funding areas;
- Events that are already receiving the WPAC community rate will not be eligible for support;
- Applicants must advise if their event is receiving funding from other Local, State or Federal Government sources;
- Applicants must advise if the event is being held for the first time, or if not, then where has it previously been held and how many delegates attended;
- Half of the allocation will be paid upon confirmation of delegate numbers with the remainder paid post the event; and
- Recipients formally acknowledge Council's sponsorship within conference collateral.

Implications

In order to be responsive within the bidding process, it is necessary for delegated authority to be given to the Chief Executive Officer to assess the event, determine its eligibility and approve funding. The Chief Executive Officer will inform the Councillors of the use of this delegation.

Recommendation:**(Moved Councillor McInerney / Councillor Webb)*****That Council:***

- 1. Adopt the assessment criteria and funding provision guidelines for the allocations of the Meetings Incentives Conferences Events incentive; and***
- 2. Delegate to the Chief Executive Officer the authority to assess and determine applications for funding provision under this program.***

Carried.

11.2.2 SUSTAINABILITY

11.2.2.1 DRAFT 2010/2011 REVISED BUDGET

Council Budget 2010/2011

51.060.015

Background

A comprehensive review of Council's 2010/11 financial position has been undertaken having regard to the following matters:

- The requirement under the Local Government Act to establish and maintain a budgeting and reporting framework that is consistent with the principles of sound financial management;
- Council's audited financial position at 2009/10 year end;
- Projects and works carried forward from 2009/10 financial year;
- Income received in 2009/10 in relation to 2010/11 financial year;
- Outcomes of funding applications;
- Unbudgeted works undertaken in response to opportunities and natural disasters;
- Known adjustments to income and expenditure.

The attached reports (*refer attachment*) show the following columns:

- Adopted Budget for 2010/11 financial year;
- Revised Budget for 2010/11 financial year;
- Adopted Budget to Revised Budget variance – this is the difference between the adopted budget and revised budget.

Summary of financial position

1. Rates Setting Budget 2010/11

	Adopted	Revised
Opening rates surplus 1/7/10	2,790,672	4,157,069
Expenditure:		
- Operations	33,573,044	36,497,992
- Capital Exp.	18,113,455	19,907,885
- Transfers to reserves	2,440,331	3,225,658
- Loan principal	<u>1,482,996</u>	<u>1,482,996</u>
	55,609,826	61,114,531

Income:

- Operations	19,922,936		21,249,381
- Rates	20,144,332		20,406,008
- Capital non-recurrent	7,064,254		8,405,601
- Proceeds on sale of assets	2,151,199		2,448,997
- Transfers from reserves	2,673,133		3,637,475
- New borrowings	<u>1,000,000</u>	<u>52,955,854</u>	<u>1,000,000</u> <u>57,147,462</u>
Closing rates surplus 30/6/11		<u>\$136,700</u>	<u>\$190,000</u>

2. Budget adjustments requiredMajor operational adjustments required: **\$'000**

- Estimated flood emergency and restoration expenditure	(1,902)
- Estimated flood emergency and restoration income	1,902
- Additional rate revenue	262
- Additional grants commission funding	293
- 2010/11 Grants Commission funding 1st instalment received 2009/10	(1,490)
- Programmed building maintenance carried over from 2009/10	(68)

Total major net operational adjustments required (1,003)

Major capital adjustments required:

- Opening rates surplus 1/7/10	1,366
- Capital projects brought forward from 2009/10	(1,223)
- Increased other capital grants	697
- Increased transfers from reserves	964
- Increased assets sales	298
- Increased transfers to reserves	(785)

Total major net capital adjustments required 1,317

3. New operational and capital works projects

New capital works projects have been included in the revised budget:

	\$'000
Showgrounds to CBD cycle connection	650
Grant - Showgrounds to CBD cycle connection	(554)
Restructure of office layout in Wang Govt Centre	32
Replacement of IT backup solution	45
Compulsory acquisition of land	25
Wangaratta Clay Target Club permanent traps	57
Grant & contributions Clay Target traps	(54)
Survey equipment – engineering unit	25
Replacement of leased motor vehicles	<u>54</u>
Total new net capital works	280

Other Major capital adjustments

Children's services centre reduced scope	392
Glenrowan share pathway deferred	129

Operational adjustments

Additional position – Box Office Coordinator	33
Ovens College precinct master plan (net)	50
Additional operational projects	65

4. Assessment:

Various adjustments to operational and capital income and expenditure have been accommodated in this budget review. These adjustments have resulted in an increased rates surplus for the 2010/11 financial year to \$190,000. It is considered prudent for Council to retain the proposed surplus to cover any unpredicted expenditure that may occur. The budget review process has been an important re-examination of Council's financial position and will become the point of reference for future 2010/11 monthly management reports.

The Revised Budget changes will be incorporated into Council's long-term financial plan.

Issues

The Local Government Act requires that 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.

It is considered that the substantial expenditure and grant recoveries arising as a result of the September 2010 flood event require formal inclusion in Council's budget. As a result it is considered that a revised budget should formally be prepared.

In general terms, the Revised Budget proposes the following:

- no additional rates or charges to be raised.
- no additional borrowing be undertaken.
- the cost of servicing the borrowings during the financial year will be \$675,181
- the total amount of loans proposed to be redeemed during the financial year will be \$1,482,996.
- the total amount of borrowings at 30 June 2011 will be \$9,741,858.

Detailed information on relevant aspects of the draft Revised Budget 2010/2011 are contained in the draft Revised Budget 2010/2011 document annexed to this report (*refer attachment*).

Consultation

Submissions on the draft Revised Budget 2010/2011 were invited in the local media and copies of the draft Revised Budget document 2010/2011 were available for inspection at the Municipal Offices and at the Wangaratta Library during office hours from Wednesday 15 December 2010 until Friday 14 January 2011.

No submissions were received on the draft Revised Budget 2010/2011.

Implications

Council Plan Outcomes

Council's 2009-2013 Council Plan contains objectives to:

- ensure that Council's plans and budgets are both responsible and sustainable, and
- to provide leadership to its communities through the provision of accessible, open and consultative government.

Council encourages appropriate community involvement in its governance processes and will aim to produce accurate, concise and easy to read reports and publications for members of our public

Recommendation:

(Moved Councillor McCully / Councillor McInerney)

That:

- 1. No alteration be made to the Proposed Revised Budget 2010/2011.***
- 2. The Revised Budget 2010/2011 annexed to this resolution and initialled by the Chairperson for identification be the Revised Budget adopted by Council for the purposes of section 130 of the Local Government Act 1989;***
- 3. The Chief Executive Officer be authorised to:***
 - a) give public notice of the adoption of such Budget in accordance with section 130(1) of the Local Government Act 1989; and***
 - b) make available for public inspection the information required to be made available by the Local Government Act 1989 and Local Government (Finance and Reporting) Regulations 2004.***

Carried.

Communication

Public notification of the adoption of the Revised Budget 2010/2011 will be given in the local media in accordance with the Local Government Act 1989.

11.2.2.2 **GENERAL VALUATION 2012**

Valuations

52.050.001

Background

In accordance with the Valuation of Land Act 1960 (the Act), Council is required to carry out a valuation every second year. Council's next valuation is due at 1 January for 2012.

Issues

The General Valuation will be carried out by Valpac Pty Ltd in accordance with their Schedule of Rates contract.

At its meeting on 16 November 2010, Council resolved to extend the contract with Valpac Pty Ltd to carry out this work.

Consultation

Council is required by the Act to advise the Valuer-General, neighbouring municipalities and any other rating authority using the valuation of its resolution. The only other Authority using Council's valuation for rating purposes is the State Revenue Office.

Implications

Council Plan Objectives

The conduct of a General Valuation on a two year cycle ensures that Council's rating strategies are based on relevant valuations. This is consistent with Council's objective to achieve a long term financially secure position.

Financial Impact

The cost of conducting the General Valuation is provided for in Council's operating budget. Part of the cost is borne by the State Revenue Office.

Recommendation:**(Moved Councillor Paino / Councillor McCully)*****That:***

- 1. In accordance with Section 6(1) of the Valuation of Land Act 1960, the Rural City of Wangaratta Council resolves to cause a general valuation of the municipality to be made; and***
- 2. The effective date for the general valuation be 1 January 2012 and that the valuation be returned to Council no later than 31 March 2012.***

Carried.**11.2.2.3 ROADSIDE CONSERVATION MANAGEMENT PLAN**

Roadside Management Strategy

30.046.026

Background

The Rural City of Wangaratta Roadside Management Strategy was adopted by Council in July 2000. This document has assisted the management of roadside areas to conserve valuable native vegetation corridors. In much of the municipality, roadsides contain the majority of remnant native vegetation due to extensive clearing for agriculture.

The current strategy has been reviewed in two stages :

1. Field surveys to re-assess the conservation status of particular roadsides - high and interconnecting medium conservation roadsides; and
2. Review and update of the document.

The document has been renamed the Roadside Conservation Management Plan to recognise the focus on vegetation conservation values and reduce confusion around the original name, that some thought related to the engineering function of roads.

The work to conduct field surveys and develop the Roadside Conservation Management Plan was partially funded by a grant through the Accord section of the Sustainability Fund. This grant opportunity was available to council through its membership of the Victorian Local Government Accord. This is a joint project with Indigo Shire Council.

Issues

The current Roadside Management Strategy and the updated Plan contain guidelines for specific activities affecting roadsides, such as road maintenance, slashing, grazing and firewood collection. The current Roadside Management Strategy contains a lot of general information about roadside management but is non-specific in terms of actions for the different target audiences.

Over the last 10 years, Planning Scheme controls of vegetation removal have increased and Vegetation Protection Overlays on high conservation roadsides have been introduced.

The review process has produced three documents for particular audiences.

The Roadside Conservation Management Plan that comprises:

Section 1: '*Council's Role in Roadside Conservation*' which outlines the objectives, general principles and actions necessary to implement this Plan.

Section 2 '*Procedures for Management of Roadside Activities*' which is written specifically to assist Council officers, agencies and members of the public in their task of protecting biodiversity assets while using roadside areas.

The Community Roadside Management Handbook will be produced as a user friendly document, for use by the general public including landholders, fire prevention agencies, Landcare and other relevant community groups.

The Roadside Environmental Code of Practice is also a user friendly document tailored to the needs of road construction, maintenance and widening for Council workers and contractors.

The Roadside Conservation Management Plan, is presented for Council's consideration (**refer attachment**). The Community Roadside Management Handbook and the Roadside Environmental Code of Practice will be produced from the information in the Plan when it is finalised.

Community Engagement

Interviews were conducted with all internal council staff involved with roadsides - planners, engineers, rangers, administration staff dealing with firewood or grazing permits, works crews, works coordinators. Any contractors who conduct major works on roadsides were also interviewed

All external organisations, community groups and individuals involved in roadside management were involved through a workshop. The Department of Sustainability and Environment, Department of Primary Industries, VicRoads, Landcare, local Sustainability Groups, North East Catchment Management Authority and the Country Fire Authority were invited to this group consultation session where the draft plan was shown and key components explained.

It is now proposed that Council adopt the Plan in principle to allow a period of public consultation.

Implications

Council Plan Outcomes

A key objective of Environmental Sustainability section of the Rural City of Wangaratta Council Plan 2009 – 2013 is to *“Protect and enhance the natural landscape, urban treescapes and waterways”*.

A Council Plan Action to achieve these is to *“Review Council’s Roadside Management Plan and commence implementation process”*.

This work will ensure this review is completed.

Policy Reference

The Roadside Conservation Management Plan has been written to coordinate with Council Municipal Fire Prevention Strategy (MFPS). The MFPS includes references to parts of the original Roadside Management Strategy that remain relevant to the new Plan.

Community Outcomes

Following adoption of the Plan, a working document based on the Plan will be prepared for use by the community – the Community Roadside Management Handbook. This will provide guidance to community members doing works that impact on roadsides. The Handbook will assist community members to understand the importance of remnant roadside vegetation and how to reduce impacts caused by roadside activities.

Financial Impact

Many of the actions in the Roadside Conservation Management Plan are conducted through existing procedures and staffing. However there are some actions that will require extra resources.

In the Plan there are a number of actions that are listed as ‘when funding available’. Most are single actions but some are ongoing. Budget will be costed and applied for during the usual Council budget processes. Some actions may attract grant assistance.

There are some actions that are Council responsibility and will be costed and applied for as part of the 2011-12 budget process, as listed below.

Action	Purpose	Timeframe
Additional field work and analysis to respond to increased controlled burn requirements on roadsides and possible extra actions and arising from recommendations of Bushfire Royal commission (by consultant)	Respond to current legislative developments	Ongoing, Annual

Action	Purpose	Timeframe
Field work to complete conservation assessments for medium and low conservation roadsides and map weed threats, including GIS mapping.	Complete the roadside values mapping and allow more complete application of the Plan guidelines.	2011-2012 Approx \$30,000
Continue containment program for Weeds of National Significance (Serrated Tussock and Chilean Needlegrass) to ensure gains of last 2 years work are not lost – this work should receive a grant contribution. These weeds are significant risks to both agriculture and the environment.	Weeds of National Significance are emerging weeds in the municipality and early containment work is crucial to reduce risk of increasing impacts and control costs.	Annual cost approx \$20,000 - \$25,000, but cost should decrease with time
Adopt open drain clearing techniques that will prevent a windrow of soil and vegetation being deposited behind the length of the drain. Otherwise these windrows will reintroduce weeds to treated areas. This technique will introduce additional costs to drain clearing.	A backlog of drain clearing is being addressed through an ongoing programme. These works measures are need in some areas to ensure works do not negate weed control works.	Annual – costs will depend on areas targeted each year and operational conditions

Environmental Impact

The intent of Roadside Conservation Management Plan and the associated handbooks is to conserve and where possible improve the key habitats occurring on the roadsides in the Rural City of Wangaratta. Many of these environments are the last significant remnants in the area and are habitat for threatened species and corridors for flora and fauna movement. These key habitats are identified on the Roadside Conservation Values Map, which is part of the Plan. Roadsides are classified as high, medium and low conservation value.

For example, to the north of Wangaratta there are areas of remnant Box Gum Grassy Woodlands ecosystem, which is a threatened habitat due to the large extent of clearing for agriculture. In this and other areas, high conservation roadside habitats support threatened species such as Regent Honeyeaters, Superb Parrots, Squirrel Gliders and Grey-crowned Babblers. The actions of the Roadside Conservation Management Plan will improve the health and robustness of these habitats and so their capacity to withstand stress including that from expected climate change impacts.

Organisational Impact

Following adoption of the Plan, a working document based on the Plan will be prepared for use by all parties engaged in works affecting roadside vegetation – the Roadside Environmental Code of Practice. This will provide guidance to Council operators, agencies, service authorities and private contractors on ways to minimise the vegetation impact of works within the road reserve.

Recommendation:

(Moved Councillor Webb / Councillor McPhie)

That Council:

- 1. Endorse the Rural City of Wangaratta Roadside Conservation Management Plan; and***
- 2. Place it on public exhibition for comment for a period of at least 28 days.***

Carried.

Communication

Public consultation will be advertised through invitations to relevant community groups and through environment and community networks and by advertisement in local papers.

11.2.2.4 PLANNING PERMIT APPLICATION NO. 10-188 – USE AND DEVELOPMENT OF LAND FOR A DWELLING AND RURAL INDUSTRY AT 1815 GREAT ALPINE ROAD, EVERTON, 3678

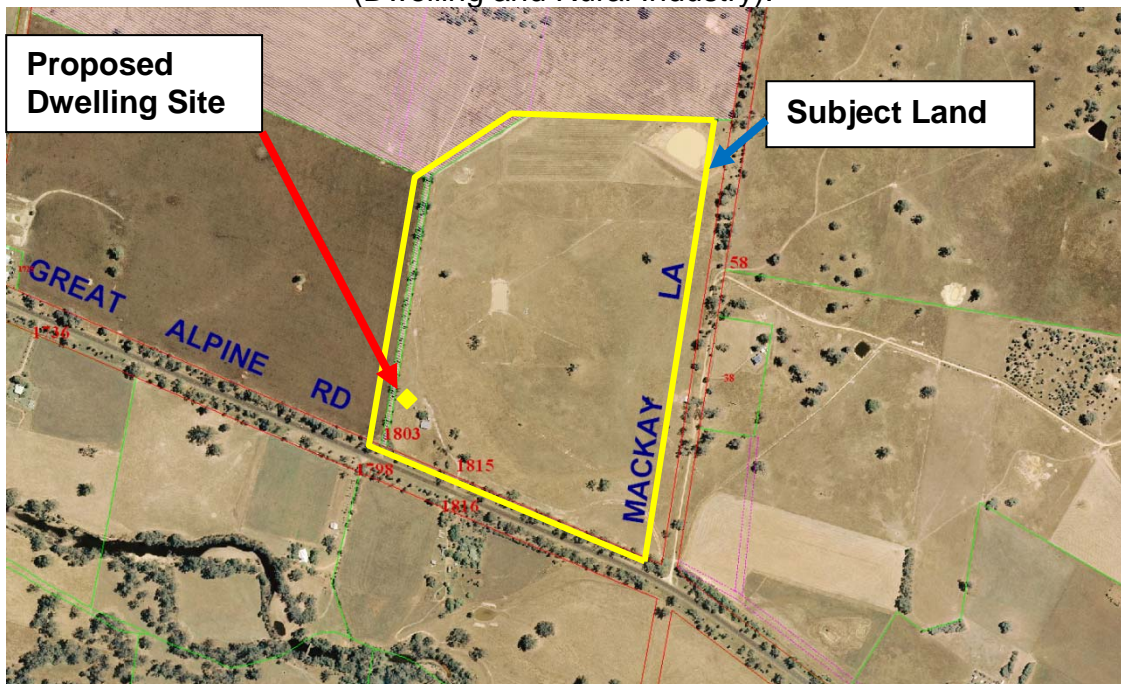
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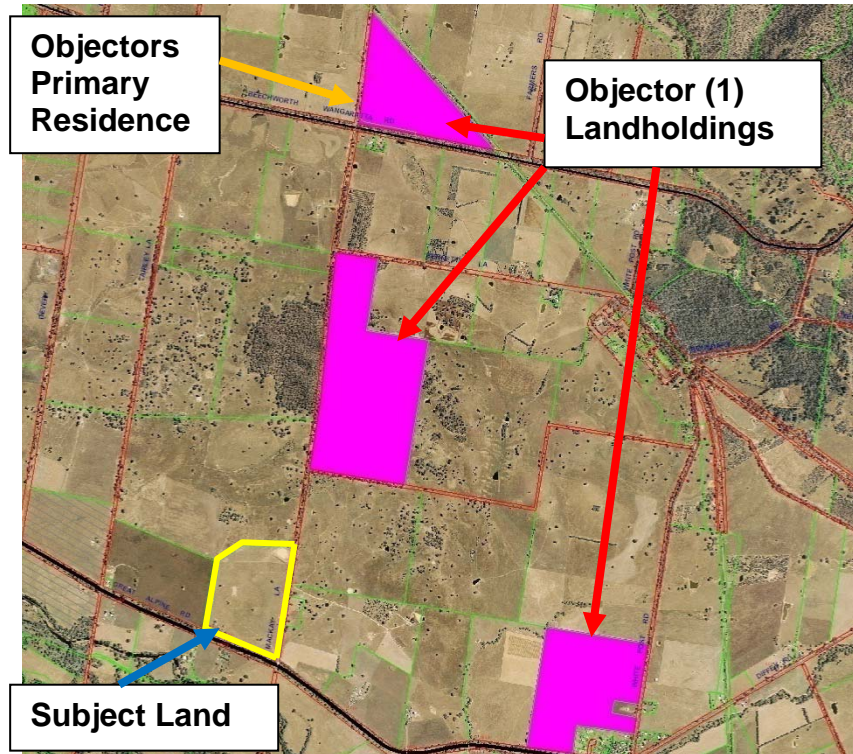
Introduction

This report deals with a permit application for the *Use and Development of Land for a Dwelling and Rural Industry* in a Farming Zone on a lot under 40Ha. One (1) objection has been received and Council officers do not have delegation to determine an application with submissions received. A recommendation is made to grant the application. A discussion of the reasons for the recommendation to grant a permit follows in this report.

Background

Applicant: Oxley & Company
Owner: Malcolm Gunn
Address: 1815 Great Alpine Road, Everton, Lot 1 TP 446392
Vol:8959 Fol:935
Zoning: Farming Zone
Overlays: Land Subject to Inundation Overlay
Agricultural Versatility: Medium/High
Permit Trigger: Clause 35.07 Use and Development of a Section 2 use (Dwelling and Rural Industry).





Proposal

The proposal is to construct and use a dwelling and operate a rural industry on the subject site adjacent to the Great Alpine Road. The site is zoned Farming and is located in an existing farming area.

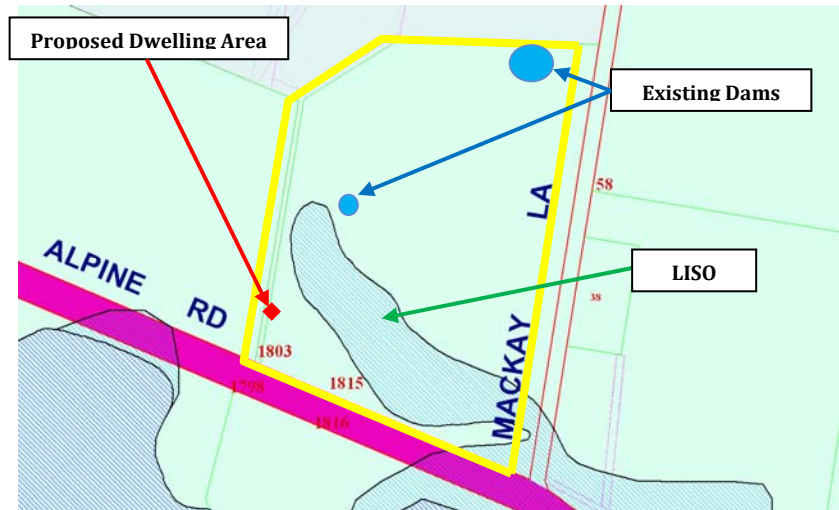
The dwelling is proposed to be situated in the south west corner of the block setback approximately 100m from the Great Alpine Road behind the existing shearing shed, cattle yards and proposed machinery shed.

The proposed rural industry is made up of two entities, Clancy's Choice and Waterloo Dorper Sheep Stud. Clancy's Choice is involved with the growing of an orchard and market garden area to use in the production of chutneys, pickles, sauces and relishes. The produce is then sold and marketed under the Clancy's Choice business name at local farmers markets as the applicant has previously been doing in the Mornington Peninsula area. The development of the industry includes the establishment of an orchard and market garden area and development of a food processing area within the proposed dwelling.

Along with Clancy's Choice, the applicant proposes to commence Waterloo Dorper Sheep Stud to run on the remainder of the land. A full business plan is included in the application discussing the viability of the Dorper Stud with the proposal to maintain approximately 140 breeding stock on the property.

Site and Surrounds

The subject site, a 35.8Ha lot located on the northern side of the Great Alpine Road is approximately 3km west of Everton and 7km east of Tarrawingee. It is relatively flat along the front portion of the site draining into a dam in the centre of the site with a rise towards the north east corner containing the existing irrigation dam and vineyard. The property has a 39ML Surface Water License from Goulburn Murray Water to fill this irrigation dam.



There is an area of the land which is affected by a Land Subject to Inundation Overlay through the centre of the site to the north east of the proposed dwelling. The proposed effluent disposal area is to be located 30m from this overlay however the applicant has identified that a recycled waste water Aqua Nova treatment plant will be used. The recycled water from this plant will be used in the irrigation of the orchard and market garden area. Development is outside the LISO area and thus the proposal is not affected by the overlay.

The site is currently primarily unused with much of the inundation overlay area taken over by various weeds and containing rubbish and old rolls of wire that are currently being cleaned up. The existing shearing shed and cattle yards have been in disrepair, however, the applicants are currently renovating these areas in anticipation of their future use. No stock is currently held on the land but the existing pasture conditions would sustain a number of stock, although pasture management would be required to fully stock the land for grazing. The majority of the site is within one paddock with the vineyard (five acres) and irrigation dam to the north of the site is fenced off. These vines are currently unused due to lack of market demand and have been left unpruned this year, although future management would most likely enable these vines to produce a viable crop.

Planning Considerations

The subject land is located within the Farming Zone. The land is also affected by a Land Subject to Inundation Overlay. The proposal will not be located within the overlay and as such a permit is not triggered under this overlay.

In the Farming Zone, a planning permit is required to construct and use a dwelling on a lot under 40 Hectares. The subject site is approximately 35.8ha thus slightly under this 40ha threshold. A planning permit is also required to undertake a Rural Industry defined as '*Land used to: handle, treat, process, or pack agricultural produce.*'

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

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.*

A lot used for a dwelling must have:

- All weather access
- Waste water treatment
- Water supply
- Electricity Supply

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

General Issues

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

Agricultural Issues

- *Whether the use or development will support and enhance agricultural production.*

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

Dwelling Issues

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

Environmental Issues

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

Design and Siting Issues

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

State Planning Policy Framework (SPPF)

11.05-3 Rural productivity

Objectives:

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

14.01-1 Protection of agricultural land

Objectives:

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

14.01-2 Sustainable agricultural land use

Objectives:

- *To encourage sustainable agricultural land use.*

16.02-1 Rural residential development

Objectives:

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

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

21.05 Rural Land Use and Agriculture

Context:

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

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

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

22.01-1 Housing and Sheds in Rural Areas

Objectives:

- *Ensure that new dwellings do not undermine the productive agricultural base of the municipality, particularly in ‘very high’ and ‘high’ agricultural versatility areas.*
- *Ensure that dwellings do not adversely impact on the rural and agricultural activities carried out on the land and the general area.*

- *Avoid potential amenity impacts between rural activities/agricultural production and dwellings in rural areas, protecting primary producers from complaints based on perceived residential amenity rights.*
- *Ensure that housing in rural areas support rural activities and production and is not undertaken to meet rural lifestyle objectives that may conflict with the rural use of the land.*
- *Provide an adequate standard of infrastructure for dwellings.*

Consultation

Upon advertisement of the proposed development Council received one written objection prior to the advertising period closing and a conciliation meeting was held on 8 December 2010 (where the objector was not present).

No compromise was reached in the interim between the applicant and the objector.

The objection received cited the following issues;

- Concerned that the land is '*Subject to Flooding*'
- Issues that the site '*Does not meet minimum 40Ha planning scheme*' requirement
- Concerns about '*Commercial access to the Great Alpine Road*'
- Belief that there are '*Fanciful \$ figures on farm and commercial enterprise*'

Flooding Issues

Objectors Concern: Concerned that the land is '*Subject to Flooding*'

Applicant Response: The land has an area of Land Subject to Inundation Overlay around the southern portion of the land. The area covered by the LSIO is flat low lying land inundated only periodically and can be pumped into the large irrigation dam (with the use of the surface water license) to reduce the impact of flooding on the property. The Dwelling is situated outside the LISO along with the effluent treatment area. The applicant proposed to install an Aqua Nova Sewerage Treatment Plant to process the waste and produce water suitable for irrigation.

Officer Comment: Objection not supported – The application was referred to Councils Environmental Health Unit and they did not have any objections to the proposal and the effluent disposal area, subject to permit conditions.

Site Area Issues – 40Ha Minimum

Objectors Concern The objector states that the application '*does not meet minimum 40Ha Planning Scheme*'. There is no explanation or reasoning behind this objection.

Applicant Response: The application notes that the development of a dwelling on the site will be beneficial to the environment and agricultural use of the land by reducing weeds and pests, improving infrastructure and increasing productivity of the land.

Officer Comment: Objection not supported - Given the Planning Scheme only identifies this 40Ha minimum as a permit trigger, this objection is not supported. The site area is only slightly below the 40Ha trigger, being 35.8Ha in size, for which above a Dwelling is an *as of right use*.

Commercial Access onto the Great Alpine Road

Objectors Concern: The objector is concerned about the commercial access onto the Great Alpine Road although again no further information about the impacts of this concern is included.

Applicant Response: The application states that sales of Clancy's Choice is primarily done through farmers markets as the applicant currently does in the Mornington Peninsula area and this will continue around the north east region.

Officer Comment: Objection not supported – Access onto the Great Alpine Road is existing to the farm and is not expected to have any increased commercial traffic other than general farming/domestic uses. The application was referred to VicRoads and they do not object to the proposal subject to permit conditions.

Commercial Viability of Farming Enterprise

Objectors Concern: The objector stated that he objects to the proposal due to '*fanciful \$ figures on farm and commercial enterprise*' used in the application.

Applicant Response: The applicant has provided comments that the farm plan was prepared in consultation with the Dorper Sheep Society of Australia Inc and the Clancy's Choice is an existing profitable business. It is also noted that the proposal does not take into account the 5 acres of Cabernet Grape Vines along the northern boundary of the site which this year will not be harvested due to lack of demand. In the future this may change if demand increases and further labour is available and these vines may increase the productivity and profitability of the property.

Officer Comment: Objection not supported – The figures on the farm and commercial enterprise are believed to be satisfactory evidence and are to be used as a guide. Given the current limited profitability of a 36Ha farm with no development even reduced figured would likely still be much higher than the existing use. The local policy in the Planning Scheme does not generally take into consideration the profitability of a farming business, but rather the increase in agricultural productivity, as will occur in this instance.

Assessment

The application before Council is for the Use and Development of a dwelling and the Use of a Rural Industry on a Farming Zone less than 40 Ha. The scheme has a number of objectives and guidelines relating to the proposal. As outlined above increasing the number of dwellings in Farming Zones is generally discouraged however there is wide support for increasing agricultural productivity of Farming Zones.

Agriculture:

In this proposal the use of the land for a Dorper sheep stud, production of preserves from a market garden and orchard and the existing vineyard activities are believed to be a significant agricultural use of the land. The commercial production of preserves from the market garden and orchard is defined under the Planning Scheme as a Rural Industry with the processing and packing of agricultural produce. The proposed use is not expected to impact on the nearby agricultural uses with the site having capacity to sustain the agricultural use suitably. Land and soil quality will most likely be improved by the approval of the proposal increasing the tree planting of the site and reducing weeds and pests.

Issues relating to the potential of the applicants constructing the dwelling and not continuing on with the running of the farming enterprise has been identified. Site visits have identified that works fixing up the existing fencing, renovations to the existing wool shed and repairs to the cattle and sheep yards have already been undertaken in preparation for the agricultural use of the land. The applicant has also begun the preliminary work on the design and construction of a farm shed.

Dwelling:

The approval of a dwelling on a lot under 40Ha is based on the dwelling decision guidelines which the *'responsible authority must consider, as appropriate'*. These guidelines relate to:

- the possible fragmentation of agricultural land,
- the dependence of the agricultural use of the dwelling,
- the adverse affects of the neighbouring agricultural activities on the dwelling,
- adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- the possible proliferation of dwellings in the area.

It is considered the proposed dwelling on the lot will not result in the fragmentation of the agricultural land as the dwelling is associated with the agricultural land use and not a rural residential dwelling. The proposed dwelling is not considered to be a rural lifestyle pursuit with the application outlining an agricultural activity having 130 commercial breeding ewes and up to 300 stock on the property, a market garden and associated rural industry using the produce from the garden.

In the VCAT case *Hutchins v Greater Shepparton* (2008) the member states:

“The Tribunal decisions make clear that there must be a relationship with agricultural activity conducted on the land itself and the lot size and physical characteristics are critical in that regard. The decisions refer to a dwelling assisting in the way that is more than the ambitions, wishes or desires of the land owner or even the “convenience” of a dwelling. It must be something more than optional but does not have to be essential. The intent of the Scheme is for there to be a direct and meaningful association between a dwelling and the bona fide operation of the land for agricultural activities.”

A separate VCAT case states that the reasonably required criteria is defined as ‘*will the dwelling assist in productive farming activities, not can the farming enterprise be undertaken without the dwelling*’.

Each individual component of the agricultural uses proposed if viewed separately would not reasonably require a dwelling. Cumulatively however, the uses in association with the Rural Industry are considered that a dwelling is reasonably required:

- For stock supervision as Dorpers’ have an unusually high fertility rate which allow them to breed up to once every 8 months and very high lambing percentages;
- There is no defined lambing dates as with typical sheep systems and as such a level of observation is required throughout the year whenever this lambing is occurring;
- Market garden element may be more productive with general constant care of watering, weed control, pest control around the clock;
- This will increase the productivity of the land.

The proposed dwelling, as stated previously, is not considered to be a rural residential proposal, but a dwelling in association with farming of the land and as such, the effects from adjoining agricultural activities will be expected. It is not considered that a rural residential amenity is the expectation of the applicant.

The surrounding properties are generally broad scale grazing properties and the introduction of the proposed dwelling and farming pursuits in this location is unlikely to impact on the continual operation or expansion of these farms.

In regards to possible proliferation of dwellings in the area it is considered that the locality is a farming area and will continue to be so and the addition of one additional dwelling will not change this character or the expectation of adjoining land owners.

The proposed dwelling is considered to be acceptable in this location given the increase in agricultural production on the land and justification of the business venture provided. The existing conditions of the landscape and the size of the lot being only slightly under the 40ha minimum (35.8ha) support this. The production of preserves from the rural industry is also in keeping with the Wangaratta Alpine Valleys AgriFood Strategy and is located close to the Milawa Gourmet Region.

Siting and Design:

The plans submitted show the dwelling to be in the south west corner of the lot adjacent to the existing sheds and cattle yards and proposed market garden orchard area. This area is situated close to the Land Subject to Inundation Overlay however no part of the buildings are within this overlay. The effluent disposal area is close to this area however the use of the wastewater recycling Aqua Nova system relieves this issue. The dwelling will have little visual impact from the road frontage and is setback sufficiently from neighbouring boundaries to comply with the scheme.

Referrals:

The application was internally referred to the Environmental Health Department in regards to the effluent disposal area and they have no objections to the proposal.

The application was referred to VicRoads regarding access onto the Great Alpine Road and they did not object to the proposal subject to conditions.

Implications:

Council Plan Outcomes

The Council Plan has the objectives to *'plan for and provide infrastructure appropriate to the community's needs'* and to *'Ensure the amenity of public and built environments is attractive, safe and practice.'* In this case it is considered that the proposal achieves these objectives.

Recommendation:

That Planning Permit Application No.10-188 for the Use and Development of Land for a Dwelling and Rural Industry at 1815 Great Alpine Road, Everton be approved and that a Notice of Decision to Grant a Permit be issued subject to the following conditions:

Rural City of Wangaratta's Conditions

1. Before the development commences, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show elevation and floor plans of the proposed dwelling.

2. The development permitted by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the Responsible Authority.
3. Prior to the commencement of the construction of the dwelling, the use and development of the Rural Industry must be established, including fencing of paddocks and planting of the market garden area to the satisfaction of the Responsible Authority.
4. An application to install any effluent disposal system is required to be submitted to council prior to the commencement of works. The effluent disposal system is to be installed in accordance with the current EPA Septic Tank Code of Practice and to the satisfaction of the appropriate authority
5. The food business is required to comply with the Food Act 1984. Food Act registration as required prior to the commencement of operation.
6. A potable water supply, all-weather access road, reticulated electricity or alternative supply, reticulated sewerage or alternative method must be made available to the dwelling to the satisfaction of the Responsible Authority.
7. Any outbuilding or shed must not be used for human habitation purposes.
8. This permit will expire if:
 - a. The development is not commenced within two years of the date of this permit;
 - b. Provided (a) is complied with, the development is not completed within four years of the date of this permit.

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

VicRoads Conditions

9. Only one access will be permitted to the subject land from the Great Alpine Road. This access shall be located at the existing access.
10. Prior to the development coming into use, the applicant shall upgrade and seal the access in accordance with the layout for Typical Rural Driveway access as shown on the attached drawing No.658186.
11. The proposed dwelling shall have a minimum building setback of 20 metres from the Great Alpine Road reserve boundary.

12. Construction activities within the arterial road reserve shall be performed in accordance with the VicRoads' Standard Specifications for Roadwork. Traffic Management shall be conducted in accordance with a traffic management plan prepared in accordance with the Road Safety Act and Road Management Act Code of Practice for Worksite Safety-Traffic Management.
13. All works associated with the above requirements are to be completed at no cost to VicRoads and the road reserve must be left in a neat and tidy condition.

The Director - Sustainability advised the meeting that further information to hand needed to be considered and perhaps included in the report. In light of this, he requested consideration of this matter be deferred.

(Moved Councillor Paino / Councillor McCully)

That consideration of this matter be deferred to allow consideration of further information to hand.

Carried.

Communication

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

11.2.2.5 PLANNING PERMIT APPLICATION NO. 10-192 - PROPOSED SEVEN (7) LOT SUBDIVISION AT LOT 3, 4 & 5 TP374417N BOURKE ROAD AND LOT 2 PS449533J BACK ESTCOURT ROAD, BOWSER

Planning Application

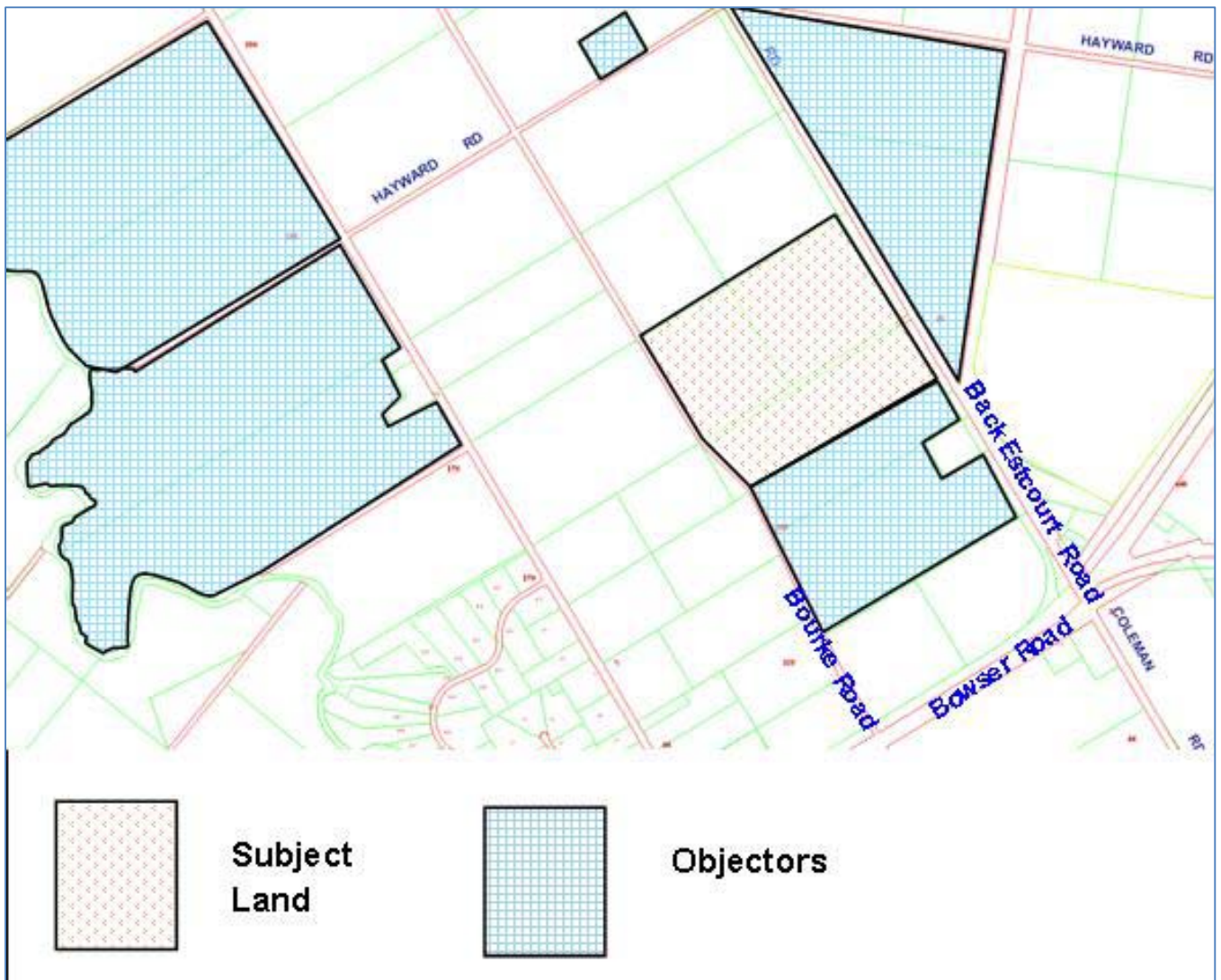
File No. 10-192

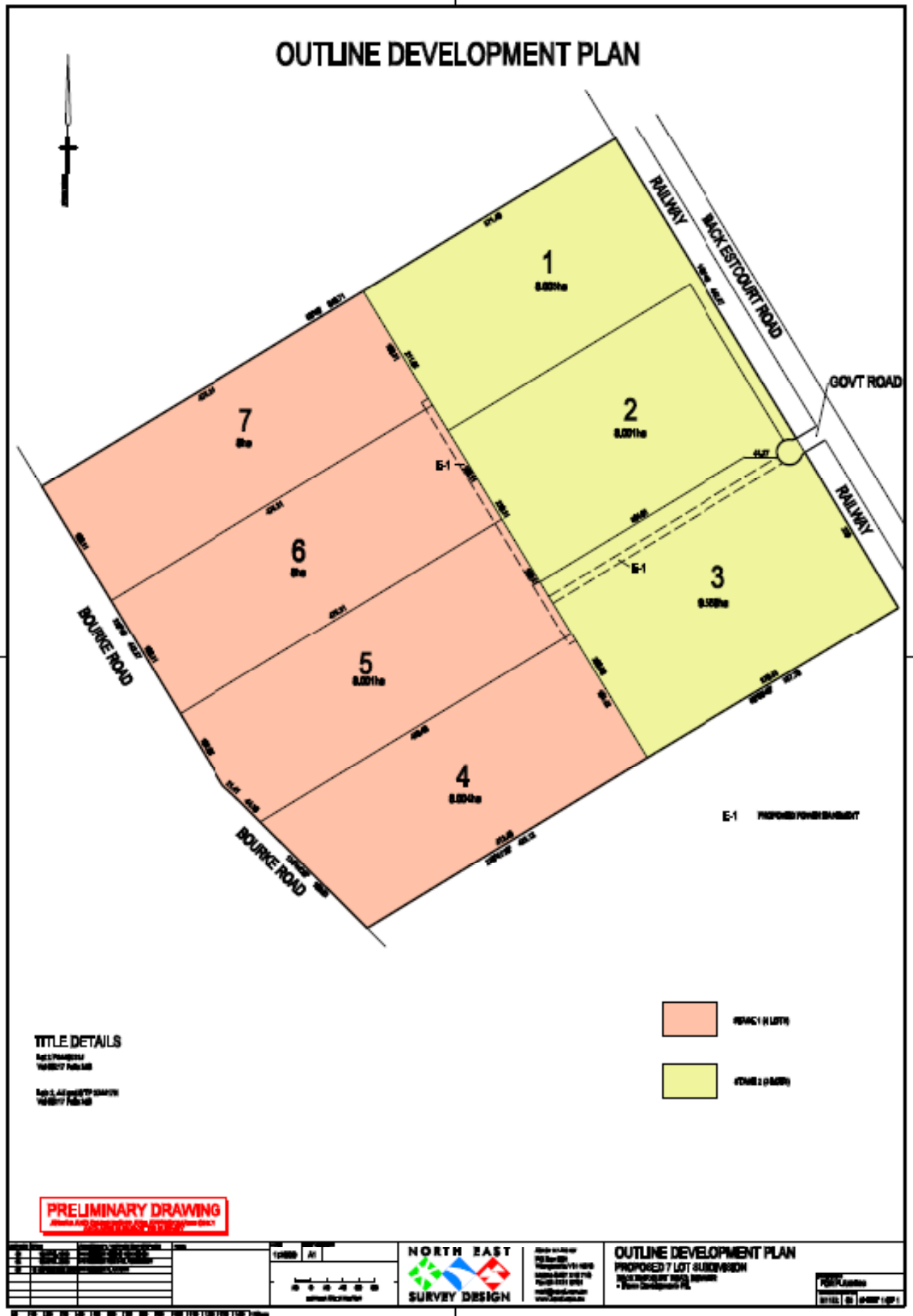
Introduction

This report deals with a permit application to subdivide four parcels of land into seven lots. A recommendation is made to grant the application. A discussion of the reasons for the recommendation to grant a permit follows in this report.

Background

Applicant: North East Survey Designs
 Owner: Patrick Gorman (under contract with James Waters)
 Address: Lot 3, 4 and 5 TP374417N Bourke Road and Lot 2 PS449533J Back Estcourt Road, Bowser
 Zoning: Rural Living 2 Zone
 Overlays: Nil
 Permit Trigger: Subdivision of land





Proposal

The proposal is to subdivide four parcels of land in a Rural Living 2 zone totalling 57.691 hectares into seven lots ranging from eight hectares to 9.558 hectares.

Access to lots 1, 2 and 3 are proposed from Back Estcourt Road and access to Lots 4, 5, 6, and 7 are proposed from Bourke Road.

The subdivision is proposed in two stages with the four lots fronting Bourke Road as Stage 1 and the three lots fronting Back Estcourt Road as Stage 2.

Site and Surrounds

The site has an area of 57.69 hectares and is currently farmed. There are currently two dams on the property, a waterway running through the property from the north east corner of the lot, meandering through the eastern portion of the land and exiting the property at a midpoint along the southern boundary.

A further small waterway crosses the south west corner of the site. There are scattered trees throughout the property, with parts of both Bourke Road and Back Estcourt Road having mature trees on the road reserve.

Back Estcourt Road has a disused rail reserve running parallel to the road between the road reserve and the property boundary of the application site, with a government road providing access across the rail reserve providing access to this lot.

It is proposed that the three lots fronting Back Estcourt Road use this as joint access, with two of the lots having direct access from this road reserve and the third lot having a battleaxe shape to provide access. This access may require modification to an existing dam on the property to provide all weather access.

The land slopes from the northeast to the southwest with a gentle fall except for the gullies created by the waterways.

Bourke Road, close to the intersection with Bowser Road, has a rail crossing that has been assessed at high risk.

Planning Considerations and Assessment

The subject land is located within the Rural Living 2 Zone which has a scheduled minimum lot size for subdivision of eight hectares.

The purpose of the zone is:

- To provide for residential use in a rural environment;
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses;
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area; and

- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The decision guidelines of the Rural Living Zone include the mandatory requirement to consider:

- *“The State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF) including the Municipal Strategic Statement and any local planning policies.”*
- In addition specific decision guidelines (as relevant to this proposal) include:

General	<p>The capability of the land to accommodate the proposed use or development.</p> <p>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</p>
Agriculture	<p>The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.</p>
Environmental	<p>The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.</p> <p>The impact of the use or development on the flora, fauna and landscape features of the locality.</p> <p>The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</p> <p>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</p>
Design and Siting	<p>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</p> <p>Whether the use or development will require traffic management measures.</p>

State Planning Policy Framework (SPPF)

Clause 19.01 – Subdivision

“To ensure the design of subdivisions achieves attractive, liveable and sustainable neighbourhoods”.

Municipal Strategic Statement

Clause 21.06 – Urban Development and Central Activities

- *“Protect residential amenity and the environment while providing for economic growth”*
- *“Provide a range of affordable housing options”*

Local Planning Policy Framework (LPPF)

Clause 22.06-1 Effluent Disposal and Water Quality

“Development that cannot be serviced by reticulated sewerage should be located and designed to account for the sites unique environmental attributes and any nearby environmental features, such as creeks, rivers, lakes, springs, wetlands, bores and dams, particularly features providing water for stock, human or food production purposes.”

Consultation

Surrounding owners and occupiers of the land were notified in accordance with Section 52 of the Planning and Environment Act 1987. Four (4) objections were originally received.

A conciliation meeting was held on 10 November 2010. The meeting was attended by the applicants, four (4) objectors, The Mayor Councillor Anthony Griffiths (Chair), two (2) Council Planners and one (1) Technical Services Officer.

No compromise was reached between the applicant and objectors, however, it was agreed that:

- Back Estcourt Road was to be sealed, *(this as a condition on permit would address concerns raised in one objection);*
- Upgrade to Bourke Road would be investigated;
- All frontages would be fenced *(this as a condition on permit would partly address one objection);*
- Contract of sale to state farming use existing on neighbouring lots;
- Any further information received, including response from NECMA would be provided to objectors.

Subsequently, two objections were withdrawn subject to the agreements above, however, all were not withdrawn.

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

Occasional Water Course runs through property and building envelope and effluent envelope locations should be shown having regard to this watercourse.

This issue is relevant to the decision guidelines in the zone. Building and effluent envelopes have not been shown at this stage but it is considered that this issue can be adequately dealt with via a condition on permit that requires that the watercourse and dams be shown on the endorsed plans and that all effluent envelopes have a minimum setback of 30 metres from a dam or watercourse.

In addition it is considered that a condition be applied requiring that each lot be serviced by a waste water treatment plant that will treat water to a higher quality than a conventional septic system. This is considered necessary to reduce any environmental impact on the waterways and downstream and can be included within a S. 173 agreement that can be applied to all lots created by the subdivision.

Road condition and standard for both Bourke Road and Back Estcourt Road is not satisfactory for increased traffic as a result of creating extra lots for residential purposes.

This issue was raised during the conciliation meeting where the applicant agreed to seal Back Estcourt Road. This is considered reasonable and was following the advice of Council's engineers. This can be covered as a condition of permit.

Bourke Road is a gravel road of all weather construction which provides suitable access. The Technical Services department have provided for an upgrade to Bourke Road at the dip which exists and have required both an engineering design and contribution towards the works required if a permit is issued.

Creating additional lots with access across the rail crossing is a concern. However, it is likely that the intersection of Bourke Road and Bowser Road will be modified or closed. This issue has been considered by Council's Technical Services department and this issue is not, on its own, enough to warrant refusal of the proposal. A separate report will be presented to Council regarding the rail crossing in the coming months.

Farming operation on nearby land including movement of stock so would like all lots created to be fenced and provided with gates to facilitate easy movement of stock along road reserve.

This issue was discussed at the Conciliation meeting with the applicant agreeing to fence and provide gates at each lot entrance. This addresses the concern of the neighbour, who over time will need to work with the owners of each lot to advise them of when and why the gate needs to be closed. This management of this issue is beyond the scope of the planning process.

Dwellings should be setback 55 metres from all boundaries to ensure new neighbours are not impacted on by farming activities including use of machinery, ploughing and burning of paddocks and weaning of calves.

This objection relates to the right to farm principle. The lots are of such a size that this requirement could be met. However, a dwelling does not require a planning permit in the zone and therefore it could be difficult to ensure this condition can be met.

The zone provides for buildings and works to be setback a minimum of 20 metres from a road, five metres from any other boundary, 50 metres from a dwelling not in the same ownership and 100 metres from a waterway.

One of the agreed Conciliation outcomes was that a Section 173 agreement be placed on the land which states that the land is situated within an area used for farming and that from time to time there may be impacts from this existing use on the rural residential amenity of these lots.

This issue is one that relates to the decision guidelines in the zone and how it impacts on existing agriculture uses of adjoining land. It would be appropriate to increase the boundary setbacks for a dwelling from the adjoining land that is used for farming purposes. Such a condition will assist in protecting both the farmer and the new occupants of the lots created. This condition would be applied to Lots 1, 3, and 7.

It is not considered necessary to increase the frontage setback from the road from 20 metres to 55 metres.

Land on the southern end of Bourke Road is subject to flooding over approximately 40% of its area, the natural water course running through the lots should not be changed so that there is no backing up of water on adjoining land.

The site is not encumbered by a flood overlay. However local knowledge and the photos submitted with objections show that the land is partially inundated during flood events.

As this application is for a subdivision only and there is no applicable flood overlay this ground of objection has limited validity, however protection of the waterways via a Section 173 agreement for wastewater treatment and setbacks for buildings can be used to ensure any environmental impact created by the subdivision is minimised.

Lot 4 should have a building envelope 100 metres from the southern boundary to assist in maintaining the rural living aspect of the area.

This ground of objection cannot be supported as the Scheme already provides for setbacks, including a setback of 5 metres from any boundary and 50 metres from a dwelling not in the same ownership. If a dwelling is to be developed in either of these scenarios then a planning permit is required.

The objector's dwelling is located approximately 100 metres to the south of the application site, so that any proposed development on Lot 4 should not impact on its amenity.

Referrals

This application was referred to the following authorities as mandatory referral authorities:

SPI Electricity Pty Ltd	No objection subject to conditions to service the lots and provide for easements.
Telstra	No objections or conditions.
North East CMA	No objection but require conditions for setbacks of buildings to waterways and works on waterways permit.

Internally, this application was referred to:

Technical Services	No objection subject to conditions requiring road upgrades for both Bourke Road and Back Estcourt Road.
Environmental Health	No objection but due to watercourses on land require a condition for waste water treatment plants to be installed rather than conventional septic tanks which can be facilitated through a Section 173 agreement.

Assessment

It is considered that the subdivision as proposed is a suitable development having regard to the zoning of the land.

In considering the issues raised in objections, a change in character of the area was envisaged when the land was zoned Rural Living. Subject to conditions that aim to protect the right to farm on adjoining land, management of waste water to ensure any environmental impact on the waterways traversing the land are protected and upgrade of access to the lots, it is considered that this subdivision is an appropriate outcome.

Implications

Council Plan Objectives

The Council plan has a strategy to *“apply quality land use planning policy that protects residential amenity and the environment while providing for economic growth”* and in this case it is to direct the applicant in providing the best possible subdivision for this particular property.

Recommendation:

(Moved Councillor Paino / Councillor McCully)

That Planning Permit Application No.10-192 for the Seven (7) Lot Subdivision at Lot 3, 4 and 5 TP374417N Bourke Road and Lot 2 PS449533J Back Estcourt Road, Bowser be approved and that a Notice of Decision to Grant a Permit be issued subject to the following conditions:

Rural City of Wangaratta's Conditions

1. ***Before the certification of the plan of subdivision, 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 [M1152, V3,15/10/10] but modified to show:***
 - (a) ***access to Lot 1 and any modifications required to the existing dam.***
 - (b) ***effluent envelopes for all lots providing for setbacks from the waterways in accordance with the Septic Tank Code of Practice 2008.***
 - (c) ***building envelopes for Lots 1 and 7 providing for a 50 metre setback from the northern boundary and for Lot 3 providing a 50 metre setback from the southern boundary.***
2. ***The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the Responsible Authority.***
3. ***The subdivision permitted by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the Responsible Authority.***
4. ***This permit will expire if one of the following circumstances applies:***
 - (a) ***The plan of subdivision are not certified within two years of the date of issue of this permit.***
 - (b) ***Stage 1 is not completed within five (5) years of the date of certification.***
 - (c) ***Stage 2 is not completed within seven (7) years of the date of certification.***

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three (3) months afterwards.

5. ***Before the issue of a Statement of Compliance the owner/applicant must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 to provide for the following:***
 - (a) ***All effluent disposal in association with any dwelling constructed on the lots created must be treated by a wastewater treatment plant to protect the waterways on and near the land.***
 - (b) ***Lots 1 and 7 must provide a setback of 50 metres from the northern boundary to any dwelling constructed on these lots.***
 - (c) ***Lot 3 must provide a 50 metre setback from the southern boundary to any dwelling constructed on this lot.***
 - (d) ***That it is acknowledged that land surrounding the lots created in this subdivision are used for farming and that from time to time such farming activity may impact on the amenity of the lots.***
6. ***Prior to the issue of a Statement of Compliance for each stage, each lot created must be fenced and provided with gates at the entrance to each lot to the satisfaction of the Responsible Authority.***
7. ***Prior to the issue of a Statement of Compliance for Stage 1, the Developer at his cost is to provide detailed survey, design and civil engineering plans of the evident dip in the road alignment and its' approaches along Bourke Road, adjacent to the proposed Development site. This design is to demonstrate the upgrade required to alleviate unsafe sight distances both vertically and horizontally as specified in Councils Infrastructure Design Manual. Design plans and specifications are to be prepared by a qualified Engineer to a standard acceptable to and approved by the Responsible Authority.***
8. ***Prior to the issue of a Statement of Compliance for Stage 1, the Developer is make a cash contribution of \$10,000.00 to the Rural City of Wangaratta, to assist Council to carry out the physical works as referenced in the above condition, Condition 7.***
9. ***Prior to the issue of a Statement of Compliance for Stage 2 the applicant shall construct the following roads and associated drainage works in accordance with design plans and specifications prepared to a standard acceptable to and approved by the Responsible Authority:***
 - i) ***Construction of the Government Road and court bowl to a sealed surface as specified in Councils Infrastructure Design Manual.***

- ii) Construction of Back Estcourt Road from the intersection of Federation Way to the Government Road to a sealed surface as specified in Councils Infrastructure Design Manual.*
 - iii) Provide road drainage as required.*
 - iv) Provide drainage to capture overland flows as required.*
 - v) The proposed battleaxe leg to Lot 1 is to be constructed to a two wheel drive all weather gravelled and drained construction standard, 3m in width and acceptable to the Responsible Authority prior to a statement of compliance.*
- 10. The applicant is to construct access crossovers to all Lots, and these crossovers are to be constructed to the standards specified and to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance for that stage.**
- 11. Prior to the issue of a Statement of Compliance for each stage, drains, batters and all disturbed areas are to be topsoiled and seeded to establish grass cover.**
- 12. Prior to the issue of a Statement of Compliance for Stage 2, plan checking fees of 0.75% of civil construction costs (excluding GST), and site supervision fees of 2.5% of the civil construction costs (excluding GST) are to be paid to the Responsible Authority.**
- 13. Prior to the issue of Statement of Compliance for Stage 2, the applicant is to provide a 5% Maintenance Bond of the civil construction costs (excluding GST). This bond is to be held by the Responsible Authority for the Defects Liability period.**
- 14. Prior to the issue of Statement of Compliance for Stage 2, as constructed drawings in accordance with Councils Infrastructure Design Manual are to be submitted for civil construction works in hard copy and electronic copies compatible with Council's AutoCAD drawing package in DWG or DXF format.**
- 15. A Consent to Work within a Road Reserve" permit is required where works are within public road reserves.**

North East Catchment Management Authority Conditions

- 16. Any works in, on or over designated waterways, (named or unnamed) will require a Works on Waterway permit from the North East CMA in accordance with the CMA's By Law No. 2000/01 Waterways Protection prior to any works commencing.**
- 17. In accordance with the North East Planning Referrals Committee Guidelines for the Protection of Water Quality 2000 and Clause 15 of the Victorian Planning Provisions any buildings would require the standard 30 metre setback from a designated waterway measured from the top of the bank.**

SPI Electricity Pty Ltd Conditions

18. Prior to the issue of a Statement of Compliance for each stage the applicant must:

- (a) Enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.**
- (b) Provide electricity easements internal and external to the subdivision in favour of SPI Electricity Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by SPI Electricity Pty Ltd. The provision of reserves for electricity substations may also be required.**

Notes:

Telstra: Approval does not cover alterations to existing Telstra Plant or Network. Locations of existing network can be obtained from Dial Before You Dig PH-1100

For coordinated Telstra plant reticulation in this development please refer to www.telstrasmartcommunity.com to register your development and apply for reticulation.

Carried.

Communication

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

11.2.2.6 PROPOSED PLANNING SCHEME AMENDMENT FOR CORRECTION OF MAPPING ERRORS

Planning Scheme Amendment C38 – Mapping Corrections

73.010.020

Background

The Wangaratta Planning Scheme was gazetted 25 February 1999. It is this instrument that gives effect to the zoning and overlay maps ('the maps').

Daily use of the maps has highlighted a number of errors in the original drafting as undertaken by the former Department of Natural Resources and Environment. These errors have been identified by Council's Planning staff, land owners and purchasers of land, and the North East Catchment Management Authority.

A total of 22 allotments are affected by the zone and overlay errors that have been identified.

The procedure for correcting the maps is through a Planning Scheme Amendment. None of the errors are urgent or preventing development from occurring at this stage however as a 'housekeeping exercise' it is necessary to update the maps.

An explanatory report with the proposed changes and maps, is attached (***refer attachment***).

Issues

The errors on the maps include the following matters:

- Public use zones applying to privately owned land (refer Maps 1 and 2);
- Zone boundaries that do not correspond with property boundaries (refer Map 3);
- Reserve zones that protrude into privately owned land (refer Map 3);
- The Residential 1 Zone protruding into existing riverside reserves (refer Map 3);
- Road Zones that protrude into privately owned land (refer Map 4);
- The Public Parks and Recreation Zone applied to the Eldorado landfill site rather than the Public Use Zone (refer Map 5);
- The Flood Overlay applied to land now known not to flood and vice versa (refer Map 6);
- Farming Zone applied to a public utility (refer Map 7);
- The Residential 1 Zone applied to open parkland (refer Map 8).

Consultation

Where the Flood Overlay/Land Subject to Inundation Overlay (FO/LSIO) is proposed to be applied, the land owners have been notified directly. No objections or submissions to this notice have been received.

In all other cases it is appropriate for Council to request an exemption from the requirements of giving public notice under Section 20(2) of the Planning & Environment Act 1987 as the errors are purely an administrative correction and will assist land owners as the current zone in many cases will act as a deterrent when selling land as part of the conveyancing process.

Discussions have been held with the regional office of the Department of Planning and Community Development with regard to the approach taken for this amendment. It has been generally agreed that each of the changes meet the criteria contained in the planning advisory note titled “*A protocol for fast tracking amendments*” dated March 2007.

Implications

Council Plan Outcomes

This exercise is relevant to the Council Plan in terms of undertaking a strategic approach to land use planning. A key value of aiming to provide the highest standard in everything we do is also being achieved.

Community Outcomes

While the benefits will be largely hidden to the majority of the community, having land in the correct zoning with appropriate overlays will benefit the individual land owners.

Financial Impact

Undertaking a Planning Scheme amendment for the purpose of corrections has a negligible financial impact as there are no fees payable for the process.

Environmental Impact

There are no environmental impacts associated with this matter.

Recommendation:**(Moved Councillor McPhie / Councillor McCully)*****That Council resolve to:***

- 1. Seek authorisation from the Minister for Planning to prepare an amendment to the Wangaratta Planning Scheme to correct mapping errors as contained in the explanatory report and shown on the prepared maps.***
- 2. Apply for an exemption to the requirements for giving notice of the amendment pursuant to Section 20(2) of the Planning & Environment Act 1987.***
- 3. Request that the Minister for Planning authorise Council to approve the amendment.***

Carried.**Communication**

A formal written request to be forwarded to the Department of Planning and Community Development to initiate the amendment process.

11.2.2.7 TRANSFER OF LAND – WOODBINE AVENUE

Woodbine Avenue

18150

Background

During the 1980s, significant road improvement works were undertaken to Textile, Woodbine and Callender Avenues in Wangaratta. In order to facilitate a turning amenity from Textile into Woodbine Avenue, a small parcel of land was acquired from the Wangaratta Woollen Mills.

Formal procedures to transfer this land into Council's ownership were not undertaken at the time and this anomaly was discovered more recently by Australian Country Spinners.

Issues

Solicitors acting for Australian Country Spinners engaged surveyors to undertake a re-survey of the acquired land in order to complete the transfer into Council's ownership. Once again this process stalled and following a five year lapse, the process had to again be commenced.

Plan of Subdivision PS 329723Y, including an area of approximately 220m² shown as Road R1, was submitted for Council's approval by Elsler & Associates in May 2010. This plan was certified by Council in June 2010.

Registration of the plan has been undertaken at the Land Titles Office and Australian Country Spinners' solicitors have prepared a Transfer of Land in order to transfer the land acquired for road purposes into Council's ownership.

Implications

In order to finally formalise this matter it is now in order for Council to execute the Transfer of Land document.

Recommendation

(Moved Councillor McInerney / Councillor McCully)

That the Transfer of Land document for land situated in Woodbine Avenue, Wangaratta shown as Road R1 on Plan of Subdivision 329723Y as contained in Certificate of Title Volume 10401 Folio 932 be signed and sealed by Council.

Carried.

Communication

Following signing and sealing, the Transfer of Land will be returned to Australian Country Spinners for lodgement at the Land Titles Office.

11.2.2.8 TRANSFER OF LAND - BOWMANS MURMUNGEE TENNIS COURTS

25 Nearys Ln Murmungee PID: 415340.0100

8643

The Bowmans Murmungee Tennis Courts situated on land owned by Robert and Dianne Ferguson of Neary's Lane, Murmungee, originally formed part of a larger parcel of land, owned for generations by the Ferguson family.

This small parcel had originally been gifted to the former United Shire of Beechworth by the Ferguson's forebears, however, formal transfer of the land had not been completed.

Discussions with the owners over the past years culminated in their agreement to finalise this matter, on the basis that Council bore all costs involved in the excision, creation and transfer of title.

An amendment to the Wangaratta Planning Scheme allowing the excision of this small parcel of land was undertaken and Council, as successor to the United Shire of Beechworth, was in the position to undertake formal arrangements to have this land transferred into Council's ownership.

Council, at its November 2009 Ordinary Meeting, considered and accepted a report recommending the transfer of this land into Council's ownership.

The re-subdivision of the existing Lot 1 to separate the tennis courts from the existing title was approved by Council in January 2010 and survey documentation was forwarded to Council's solicitors for lodgement at the Land titles Office.

Following a lengthy delay at the Land Titles Office, transfer has now been affected and Certificate of Title Volume 11229 Folio 816 issued in Council's name, has been received.

The finalisation of this transfer formalises community ownership of this facility and also satisfies the intent of the original bequest.

Recommendation:

For Councillor information.

Recommendation:

(Moved Councillor Paino / Councillor Webb)

That the report be noted.

Carried.

11.2.3 COMMUNITY WELLBEING

11.2.3.1 COUNTRY FOOTBALL NETBALL PROGRAM

Sport & Recreation Facilities Grants

61.020.001

Background

The Department of Planning and Community Development's (DPCD) Country Football Netball Program (CFNP) provides funding to assist with Football and Netball facility development. Each Local Government Authority is provided with the opportunity to submit one large project or three separate small projects up to the amount of \$100,000.

Applications for the CFNP are due to DPCD by the 31 January 2011 for consideration in the next round of assessments.

The assessment panel for this program is made up of representation from the Victorian Country Football League (VCFL), Netball Victoria (NV), Sport and Recreation Victoria (SRV) and DPCD.

Council's Sport and Recreation Advisory Committee has the delegation to consider all expressions of interest for this funding program and make recommendations to Council for projects to be submitted.

Council has allocated \$20,000 in its 2010/2011 budget for the Country Football Netball Program to contribute towards requests made by the community for financial support.

Issues

Consultation has occurred with individual Football/Netball Clubs and Recreation Reserve Committees of Management in relation to project proposals seeking funding support through the CFNP. The CFNP grants are very competitive at a State level and no Council is guaranteed success, therefore the application(s) submitted need to be very strong.

The following table outlines expressions of interest put forward for consideration:

Organisation (Football/ Netball Club)	Project	Total Budget	Grant amount being requested	Funding Gap	
1 Milawa	Oval and Netball Court Lighting	\$112,612	\$75,074	\$20,000 \$15,538 \$2,000	RCOW Community Cash In-kind
2 Whorouly	New Changerooms and Gymnasium Room	\$192,168	\$100,000	\$20,000 \$31,114 \$41,054	RCOW Community Cash In-kind
3 Tarrawingee	New Netball Court	\$53,335	\$30,000	\$15,000 \$8,335	Community Cash In-kind

The Tarrawingee project was assessed as not meeting the VCFL and Netball Victoria guidelines which do not support projects where clubs with less than seven teams are seeking a second court.

The Tarrawingee Recreation Reserve has recently received funding under the CFNP for the extension to the Clubrooms. Milawa and Whorouly have not received CFNP funding in recent times.

Initially, the Sport and Recreation Advisory Committee assessed the expressions of interest for both Milawa and Whorouly as having equal priority, as both demonstrated well thought out and prepared projects that meet the CFNP funding criteria. It was recognised that both the Milawa and Whorouly projects have immediate safety issues that need to be addressed. Whorouly has an aged changeroom building. Milawa has insufficient lighting with both netball and football players currently training under lighting that does not meet Australian standards

In an attempt to identify a single project for submission, the Sport and Recreation Advisory Committee recommended the Whorouly project. The Committee determined to request the responsible Council officer to discuss the application further with DPCD, and if there was an opportunity for the Whorouly project to be funded through the State Government's Community Support Fund then the Milawa project is to replace the Whorouly project as their preferred application.

From discussions with DPCD, Officers of this Department advised the Whorouly project will require further planning work to be eligible for the full funding amount from CFNP and to be eligible for any alternative funding, ie the Community Support Fund.

In consideration of the consequent recommendation of the Sport and Recreation Advisory Committee, it is proposed that Council consider the Milawa project for submission to the January 2011 CFNP assessment round. This will then enable Council to work closely with the Whorouly Recreation Reserve Committee to strengthen the project to fit within the relevant DPCD funding programs available.

The Milawa project has broad community benefit as the project will provide lighting that will support additional community and sporting events, will generate funds for a tennis court upgrade and enable lighting of the tennis courts. The project will include a power upgrade to the facility. Safety issues are experienced on a regular basis with power overloads occurring. The power upgrade may also contribute to reducing watering costs for the Bowls Club and the oval user groups.

Community Engagement

Council's Recreation Planner has worked closely with the relevant Clubs and Recreation Reserve Committees of Management in the development of the project concepts which have resulted from the Recreation Reserve Strategic Plans.

Implications

Council Plan Outcomes

To undertake a planned approach to maintaining and improving quality and accessible recreation and sporting facilities and programs.

Community Outcomes

Improved community facilities that provide safe conditions and support an increase in active participation.

Financial Impact

Council's 2010/11 budget has provided support for requests made under the Country Football Netball Program.

Recommendation:

(Moved Councillor McPhie / Councillor McInerney)

That Council supports the Milawa Oval and Netball Court Lighting Project to be submitted for consideration under the Department of Planning and Community Development's 2010/11 Country Football Netball Program.

Carried.

Communication

The organisations who submitted an expression of interest and DPCD will be advised of Council's decision.

11.2.4 INFRASTRUCTURE SERVICES

11.2.4.1 CONTRACT NO C1011/018 – KERB & CHANNEL RENEWAL FOR KANANA CRESCENT, ORKNEY & HOGAN STREETS, WANGARATTA

C1011/018 – Street Renewal

30.072.018

Contract Details

Tenders for the renewal of segments of Kerb and Channel in Kanana Crescent, Orkney and Hogan Streets were invited through advertisements as follows:

<u>Newspaper</u>	<u>Date</u>
Chronicle	19 November 2010
The Border Mail	20 November 2010
Also electronically Tenderlink	19 November 2010

Tenders closed at 2.00 pm on 14 December 2010.

Evaluation Panel

The evaluation panel for this tender comprised:

Mr Phil Richards

Senior Engineer, Design & Development
Rural City of Wangaratta

Mr Rames Khanal

Design Engineer
Rural City of Wangaratta

Mr Russell Smith

Senior Engineer - Contracts
Rural City of Wangaratta

Tenders Received

Three tenders were received from three tenderers as follows:

1. Bordignon Excavations
2. Gordon Gibson Nominees
3. Global Contracting

All three tenders were deemed by the evaluation panel to be conforming in accordance with the Conditions of Tendering (***refer confidential report attached***).

Tender Evaluation

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

Criteria	Description	Weighting
Tender Price	Total price of the work	50%
Previous Performance	Performance of principle contractor in previous similar works	30%
Experience of nominated sub-contractors	Experience of nominated sub-contractors in previous similar works	10%
Plant and Equipment	Standard and appropriateness of plant and equipment for selected contract	5%
OHS systems	Contractor's commitment to OHS	5%
Total		100%

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

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

Evaluation Scores

The summary of the scores obtained by this method follows:

Tenderer	Score
Bordignon Excavations	61
Gordon Gibson Nominees	62
Global Contracting	52

The higher value reflects the more favourable assessment. From this method of assessment, Gordon Gibson Nominees was deemed to be the preferred tenderer.

Budget Considerations

The budget allocation for the contract is as below:

Funding Program	Available Funds¹
	Budget
R2R Allocation	\$290,000
Total	\$290,000

¹ Figures quoted are exclusive of GST

If the recommended tender is adopted, Council can deliver the total Scope of Works under the Contract.

Conclusion

The tender of Gordon Gibson Nominees is the lowest priced of all tenders, scored highest under the Weighted Attribution Method and is the recommended tender.

The tender price from Gordon Gibson Nominees is \$252,163.18 (GST inclusive). This is within the available budget.

Recommendation

(Moved Councillor McPhie / Councillor Parisotto)

- 1. That Contract C1011/018 for Kerb & Channel renewal for Kanana Crescent, Orkney & Hogan Streets, Wangaratta be awarded to Gordon Gibson Nominees for the amount of \$252,163.18 (GST inclusive).***
- 2. That Contract C1011/018 for Kerb & Channel renewal for Kanana Crescent, Orkney & Hogan Streets to be signed and sealed when available.***

Carried.

11.2.4.2 PLACE NAMING ADVISORY COMMITTEE

Place / Road Names

73.020.014

Background

A meeting of the Place Naming Advisory Committee was held on 8 December 2010. Minutes of the meeting are attached (***refer attachment***).

The following naming proposals were discussed.

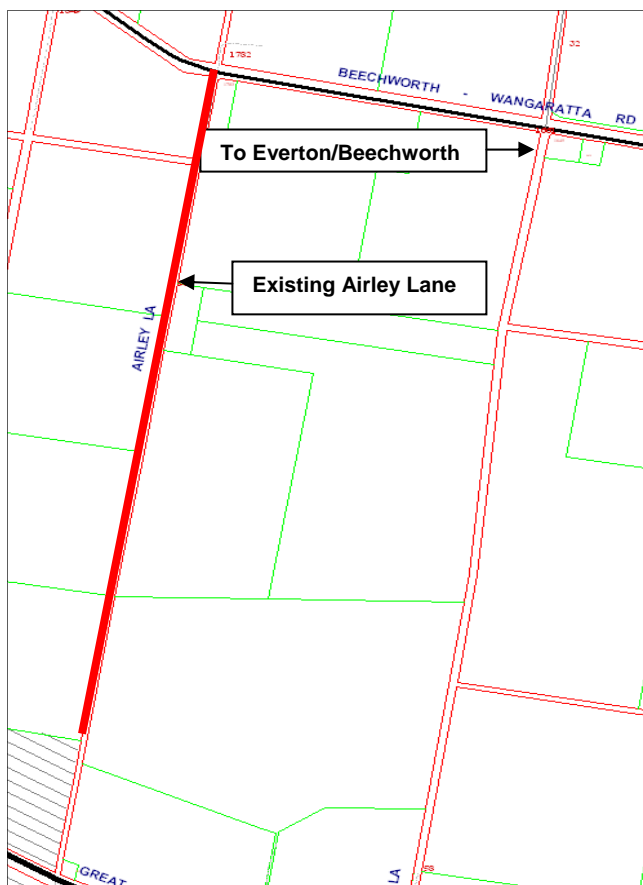
Airley Lane, Everton

A request was received by the Committee for Airley Lane, Everton to be changed to “Airey Lane”. (see location map below).

Information provided by locals of the Everton area indicates that the lane should be “Airey Lane” acknowledging the Airey family that lived at the location around 1920-1940. There have been no Airleys living at Everton.

An old Shire cadastral map has Airley Lane handwritten and it is thought by the Committee that this was done in error.

The Committee recommends that Council rename “Airley Lane”, Everton to “Airey Lane” to recognise the Airey family connection to the Everton area.

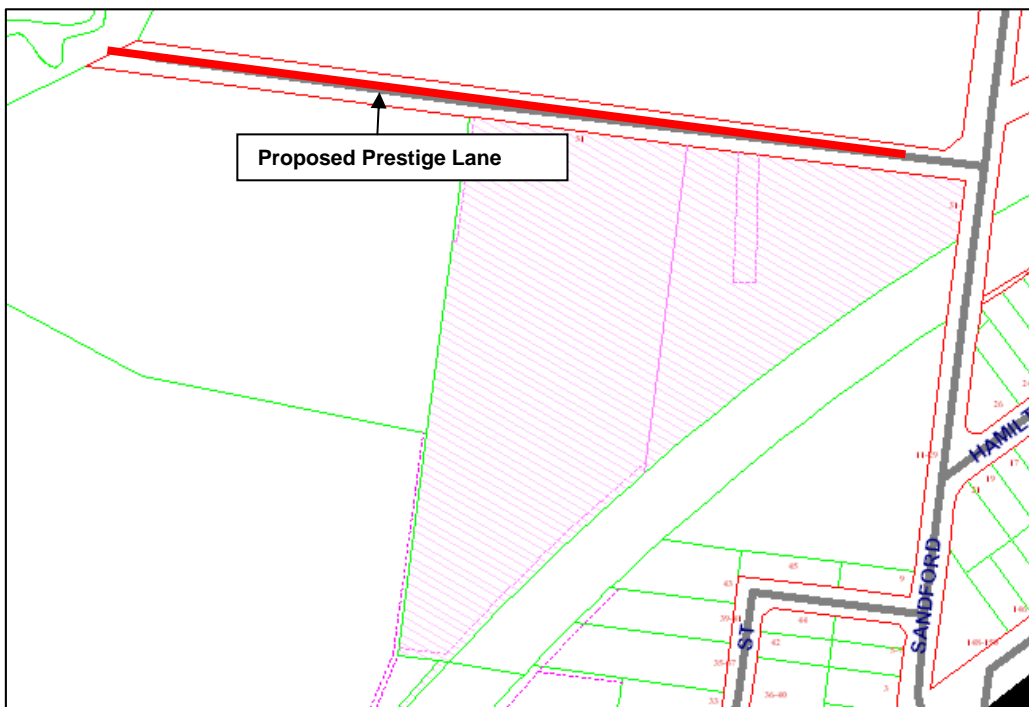


Naming of an Existing Unnamed Road off Sandford Road, Wangaratta

A Planning application for a two lot subdivision at 31 Sandford Road was referred to the Committee for consideration. The application is proposing to name the existing unnamed road that abuts the subdivision “Prestige Drive” (see location map below).

The Committee considers the name “Prestige” meets the requirements of the Guidelines for Geographic Names, however, the road type “Lane” is more appropriate for the type of road rather than Drive as highlighted in the Guidelines. There are no other Prestige Lanes in the municipality.

The Committee recommends that Council name the existing unnamed road off Sandford Road, Wangaratta as “Prestige Lane”.



Naming of the Carpark at the River End of Baker Street, Wangaratta

Council, at its 21 September 2010 meeting, considered a recommendation of the Committee to formally name the carpark at the river end of Baker Street, Wangaratta as the “Ulah Carpark” in recognition of a former swimming hole/ park known as Ulah Park at the location (see location map below).

Council resolved to advertise its intention and call for submissions on the proposal.

Advertisements were placed in the Wangaratta Chronicle on 24 September and 1 October 2010 seeking public comment on the proposal. Referral authorities were also contacted seeking comment.

No submissions were received on the proposal.

The Committee therefore recommends that Council formally name the carpark at the river end of Baker Street, Wangaratta as “Ulah Carpark”.



Recommendation:

(Moved Councillor Paino / Councillor Webb)

That:

- 1. Council advertise its intention and call for submissions on the proposal to rename Airley Lane, Everton to “Airey Lane”.***
- 2. Council advertise its intention and call for submissions on the proposal to name the unnamed road off Sandford Road, Wangaratta as “Prestige Lane”.***
- 3. Council endorse the proposal to name the carpark at the river end of Baker Street, Wangaratta as “Ulah Carpark”.***

Carried.

Communication:

Advertisements will be placed calling for submissions on the proposals above, for the reporting of feedback to a future Council meeting.

The Geographic Place Names Registrar will be advised of the endorsement of the “Ulah Carpark” proposal.

11.3 SPECIAL COMMITTEE REPORTS

11.3.1 WHOROULY HALL SPECIAL COMMITTEE

Whorouly Hall Committee

42.120.014

Background

The Whorouly Hall Special Committee has been established under Section 86 of the Local Government Act 1989 for the purpose of managing and controlling activities at the Whorouly Public Hall. The Hall (including pre-school facility) and grounds are owned by Council.

Issues

The Charter of the Whorouly Hall Special Committee requires the Committee to recommend to Council annually, those persons nominated for appointment and membership to the Committee.

The Charter of the Whorouly Hall Special Committee allows one representative from each of the following user groups:

1. Australian Red Cross;
2. Country Womens Association – Whorouly Branch;
3. Whorouly Pre School Committee;
4. Whorouly Primary School; and
5. Up to ten (10) representatives of the Whorouly and regional community.

The Charter also requires that the Committee recommend rentals, fees and charges for the use of the Whorouly Hall and to submit an annual report together with an annual statement of accounts for Council's consideration.

Consultation

The Whorouly Hall Special Committee has forwarded the Minutes of its 2010 Annual General Meeting, together with the President's/Secretary's Report and 2009/2010 Financial Statements to Council.

Implications

Council Plan

The Whorouly Hall Special Committee is responsible for the management, promotion and maintenance of the Whorouly Public Hall. This delegation of responsibility is consistent with the Council Plan objective for being known as a leading regional centre for providing high quality passive and active recreational opportunities.

Community Outcomes

The responsibilities delegated to the Committee promote the exchange of information between the Committee and Council. Closer links between Council and Section 86 Committees of Council create greater awareness of the needs of the community and of the facilities managed on Council's behalf. Promotion of the facility by the Committee facilitates increased community use.

Financial Impact

The financial reporting requirements contained in the Instrument of Delegation and Charter ensures Council's compliance with the Australian Accounting Standards.

In accordance with the Charter of the Whorouly Hall Special Committee, the Committee must recommend annually to Council the fees to be levied for the use of the reserve.

The Whorouly Hall Special Committee has recommended the following fees to be levied to the user groups for the use of the Whorouly Public Hall for 2010/2011:

Hall Hire

Day meeting - \$5.00 plus GST = \$5.50

Night meeting - \$6.00 plus GST = \$6.60

Function - \$25.00 Plus GST = \$27.50

With heating - \$40.00 Plus GST = \$44.00

Supper Room

Function - \$25.00 plus GST = \$27.50

With heating - \$40.00 Plus GST = \$44.00

Pre School

Pre-School Committee is responsible to meet costs of separately metered electricity account and to maintain building and surrounds.

Environmental Impact

Committees of Management are responsible for environmental management issues relating to the hall reserve.

Organisational Impact

The local committee assists Council in assuming responsibilities for the management, day to day operations and maintenance of the facility.

Other

The Whorouly Hall Special Committee held its Annual General meeting on 16 December 2010 and has forwarded the following documents for Council's information:

1. Copy of President's/Secretary's Annual Report;
2. Copy of financial statements for the period 1 July 2009 to 30 June 2010; and
3. Copy of Minutes of Annual General meeting held 16th December 2010.

Copies of these reports are available from the Director – Community Wellbeing.

At the Annual General Meeting, Committee nominations for 2010/2011 were received and formally endorsed by the Whorouly Hall Special Committee and are recommended for appointment by Council to the Committee.

The Council is now required to make the formal appointments to the Committee as required by the Local Government Act 1989.

Recommendation:

(Moved Councillor Webb / Councillor Parisotto)

- 1. That the 2009/2010 Annual Report of the Whorouly Hall Special Committee together with the Annual Statement of Accounts be received and that appreciation be expressed to the Committee for its efforts in the management of the Whorouly Public Hall.**

- 2. That the following hiring fees for use of the Whorouly Public Hall for 2010/2011, as determined by the Committee and noted in the Minutes of the Annual General Meeting, be approved by Council.**

- 3. That Council appoint the following persons as members of the Whorouly Hall Special Committee for the period 1 July 2010 to 30 June 2011.**

President..... Mr Tony McNally
Vice PresidentMrs Chris Chalmers
Secretary /Treasurer Mrs Sue Bromilow
Booking AgentMs Raelene Kneebone
Australian Red Cross Representative.....Mrs Jean Kneebone
Country Women’s Association Representative Mrs Janet Taylor
Whorouly & District Pre-School Centre Rep.....Mr Malcolm McKinnon
Member Mr Ron Coburn
Member Mrs Pat Webb
Member Mrs Megan Kinderis
Member Ms Pam Matheson
Member Ms Sue Nicoll
Member Mr Shane Kinderis

Carried.

Communication

A letter advising of Council’s approval of the appointments and thanking the Committee for their efforts during 2009/2010 will be forwarded.

11.4 ADVISORY COMMITTEE REPORTS

(Moved Councillor Paino and Councillor McCully)

That all reports be noted.

Carried.

11.4.1 WANGARATTA LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING REPORT

Wangaratta Livestock Exchange Advisory Committee

85.010.003

Background

The Wangaratta Livestock Exchange Advisory Committee met on 15 December 2010 and considered various matters. The Minutes of the meeting are attached (*refer attachment*).

Issues

Matters considered included the:

- Wangaratta Livestock Exchange Advisory Committee review.
- Saleyards development priorities.
- Saleyards financial performance year to date.
- Council contribution to 2011 blue ribbon weaner sale promotion.

Recommendation:

That the report be noted.

11.4.2 WANGARATTA UNLIMITED ADVISORY BOARD (COMMITTEE) MEETING REPORT

Wangaratta Unlimited Board

25.007.002

Background

The Wangaratta Unlimited Advisory Board (Committee) held their monthly meeting on 8 December 2010 with the following members in attendance: Michael Carlile, John Brown, Stephen Oxley, Hayley Cail, Greg Larkins, Barry Sullivan, Grant Jones, Ken Butterworth, Cr Anthony Griffiths, Cr Lisa McInerney. Doug Sharp, Graham Nickless and Shivaun Brown were also in attendance.

Issues

There were no declarations of conflicts of interest.

Guest speaker, Andrew Close (Director – Infrastructure) undertook a presentation and discussion of the Car Parking Strategy for the information of members.

The following items were discussed at the meeting:

- Marketing, Incentives, Conferences and Events Incentives Fund.
- Advisory Committee Review – a formal response will be provided to Council for due consideration.

Reports were received from the following committees or projects:

- No reports were received.

Recommendation:

That the report be noted.

11.4.3 **PLACE NAMING ADVISORY COMMITTEE**

A meeting of the Place Naming Advisory Committee was held on 8 December 2010. The Minutes of the meeting are attached (***refer attachment***).

Please refer to Item 11.2.4.2 for details of the recommendations of the Committee.

Recommendation

That the report be noted.

11.4.4 SPORT AND RECREATION ADVISORY COMMITTEE

Sport and Recreation Advisory Committee

61.010.003

Background

The Sport and Recreation Advisory Committee met on 30 November 2010. The Minutes of the meeting are attached (***refer attachment***).

Items Discussed

The following agenda items were discussed:

- The proposed review of this Committee's charter and the filling of vacant positions on the Committee has been deferred until Council has undertaken a review of this Advisory Committee.
- The Committee decided to undertake an informal review of this Committee at the next meeting so as to have some preliminary information prepared for Council.
- The Committee discussed expressions of interest received under the Country Football Netball program and made recommendation to Council. This is the subject of an earlier report in this agenda.
- An update on projects was provided by Council's Recreation Planner.

Recommendation:

That the report be noted.

12. RECORDS OF ASSEMBLIES OF COUNCILLORS

An “Assembly of Councillors” is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision and which 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;
- 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
10/11/10	Conciliation Meeting – 7 Lot Subdivision, Back Estcourt Road, Bowser	Attachment
30/11/10	Sport and Recreation Advisory Committee Meeting	Item 11.4.4
01/12/10	Arts Culture and Heritage Advisory Committee Meeting	Attachment
07/12/10	Council Draft Agenda Meeting	Attachment
08/12/10	Wangaratta Unlimited Advisory Board (Committee) Meeting	Item 11.4.2
08/12/10	Planning Permit Application No. 10-175 – Use and Development of Land for a Dwelling and Intensive Animal Husbandry at Monshing Lane, Tarrawingee, 3675	Attachment
08/12/10	Planning Permit Application No. 10-188 – Use and Development of Land for a Dwelling and Rural Industry at 1815 Great Alpine Road, Everton, 3678	Attachment
08/12/10	Place Naming Advisory Committee	Item 11.4.3
15/12/10	Wangaratta Livestock Exchange Advisory Committee	Item 11.4.1
14/12/10	Pre Council Meeting Briefing	Attachment
21/12/10	Councillors’ Briefing Forum	Attachment

Date	Meeting Details	Refer
12/01/11	Conciliation Meeting – 10-194 – Extension to Existing Hospital at 134-150 Templeton Street, Wangaratta	Attachment
12/01/11	Conciliation Meeting – 10-211 – Removal of Native Vegetation for Timber Harvesting, 1610 Carboor-Everton Road, Carboor	Attachment
12/01/11	Conciliation Meeting – 10-068A – Amendment to Permit for Access, Lot Layout and Building Envelope for Lot 2, 260 Maloneys Road, Greta West	Attachment
18/01/11	Draft Agenda Meeting	Attachment

Recommendation

(Moved Councillor McCully / Councillor Parisotto)

That:

- 1. Council receive the reports of Assemblies of Councillors, and**
- 2. On the grounds 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;**

the following items remain confidential in accordance with S.77 of the Local Government Act :

(i) Councillor's Briefing Forum dated 21 December 2010:

- 4.2.1.1 Key Performance Indicators**
- 4.2.1.2 Works And Activities Progress**
- 4.2.1.3 Finance Reports**
- 4.2.1.4 Building, Planning & Subdivision Reports**
- 4.2.1.5 Implementation Of Council Decisions**
- 4.2.1.6 Council Planning Calendar 2010**
- 4.2.2.1 Councillor's Retreat**
- 4.2.2.3 Local Authorities Superannuation - Defined Benefits Plan**
- 4.2.4.1 Absenteeism - A Whole Of Community Approach**
- 4.2.4.2 Wangaratta Motocross Request For Licence**
- 4.2.5.1 Determining Parking Space Cash Offset**
- 4.2.5.2 Wangaratta Transport Study**

Carried.

13. NOTICE OF MOTION**14. URGENT BUSINESS****15. AUTHORISATION OF SIGNING AND SEALING OF DOCUMENTS**

Authorisation of Signing & Sealing of Documents

50.010.004

Recommendation**(Moved Councillor McCully / Councillor Webb)*****That Council sign and seal the following document:***

- 1. *Transfer of Land document for land situated in Woodbine Avenue, Wangaratta (refer item 11.2.2.7); and***
- 2. *Contract No. C1011/018 – Kerb and Channel Renewal for Kanana Crescent, Orkney and Hogan Streets, Wangaratta (refer item 11.2.4.1).***

Carried.**16. PUBLIC QUESTION TIME**

Public Question Time

10.020.004

Mr Brian Burke

Mr Burke enquired as to what decisions had been made regarding the Burke Road rail crossing.

Mr Doug Sharp, Chief Executive Officer, responded and advised no decision had been made. The assessment had been made and Council was now looking for options other than closure.

Mr Doug Sunderland – Yarrunga

Mr Sunderland asked if Council was interested in free publicity by way of appearing on an episode of "The Australian Story". Mr Sunderland has ridden around New Zealand and Australia and is achieving publicity.

Mr Doug Sharp, Chief Executive Officer, congratulated Mr Sunderland on his achievement.

Mr Anthony Griffiths, Mayor, confirmed an interest in being involved and thanked Mr Sunderland for his generous offer.

Mr Jim Lewis – Wangaratta

Mr Lewis referred to the Report of Assembly of Councillors of 18 January and queried the location of Cambridge Road. Should be Cambridge Drive. Also queried the Levee Bank failure.

Mr Andrew Close, Director – Infrastructure, advised that reference was to Cambridge Drive and there was no levee in the area.

Mr Lewis enquired regarding issues with the petition, to which Mr Andrew Close, Director Infrastructure, responded the only issue was to do with the path.

Ms Cheryl Gunn

Ms Gunn questioned the delay in the permit for item 11.2.2.4.

Mr Doug Sharp, Chief Executive Officer, advised that new information had been received today which required further consideration.

Mr Russell Green – Tarrawingee

Mr Green read a statement to the meeting about signage on the underpass. Mr Green said he had erected a sign on the underpass for a Rodeo. Council workers had removed his sign but did nothing about other signs that were erected later. Mr Green asked what signs Council staff remove and what happens to them?

Mr Doug Sharp, Chief Executive Officer, advised Mr Green he would take this on notice and make further enquiries.

Mr Jim Lewis – Wangaratta

Queried mapping in Planning Scheme maps.

Mr Ray Park, Director – Sustainability, advised that maps show the results after corrections.

Mr Rod Bennett – Tarrawingee

Mr Bennett queried progress of the Planning Application for Intensive Animal Husbandry in Monshing Lane and invited all Councillors to attend a site inspection.

Mr Jim Lewis – Wangaratta

Mr Lewis sought clarification on the purpose and intent of the Advisory Committees review.

Mr Doug Sharp, Chief Executive Officer, advised this review provided an opportunity to review the roles, operations, charters and any improvement possibilities for advisory committees.

17. CONFIDENTIAL BUSINESS

Nil.

18. CLOSURE OF MEETING

There being no further business, the meeting closed at 7.55 pm.