

WANGARATTA RURAL CITY COUNCIL



MINUTES OF THE SPECIAL MEETING
OF THE WANGARATTA RURAL CITY COUNCIL, HELD
IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES,
62-68 OVENS STREET, WANGARATTA
ON **TUESDAY, 3 DECEMBER 2013** COMMENCING AT 5:30PM

Kelvin Spiller
ACTING CHIEF EXECUTIVE OFFICER

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1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We acknowledge the traditional owners of the land on which we are meeting. We pay our respects to their Elders and to Elders from other communities who may be here today.

2. OPENING PRAYER

Almighty God, we humbly ask thee to bless and guide this council in its deliberations so that we may truly preserve the welfare of the people whom we serve. Amen

3. PRESENT

Administrators:

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

Officers Present:

Mrs Ruth Kneebone, Acting Director Sustainability; Mr Adrian Gasperoni, Acting Director Infrastructure Services; Ms Penny Hargrave, Acting Director Community Wellbeing; Mr Peter Mangan, Consultant

4. ABSENT

Mr Kelvin Spiller, Acting Chief Executive Officer

5. ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE

Nil

ORDER OF BUSINESS

6. CONFLICT OF INTEREST DISCLOSURE

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act 1989* Councillors are required to disclose a 'conflict of interest' in a decision if they would receive, or could reasonably be perceived as receiving, a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

Disclosure must occur immediately before the matter is considered or discussed.

Nil

7. **BUSINESS**

7.1.1.1 **PROPOSED COMBINED PLANNING SCHEME AMENDMENT AND PERMIT C45**

Amendment C45 – Urbis – Greta Road, Wangaratta South

12/172

Background

Applicant:	Urbis P/L on behalf of Fabcot P/L
Owner:	Bev McPhail
Subject Land:	Lot 20 LP114703, Greta Road, Wangaratta South
Zone:	Part – Commercial 2 (formally Business 4) and Farming Zone
Overlay:	Nil

Recommendation

To ensure land use planning provides balanced outcomes for growth, existing land use, environment and heritage

That Council seek Ministerial approval to Prepare and Exhibit the Amendment.

Introduction

This is a combined application that seeks both a planning scheme amendment and planning permit.

Urbis P/L on behalf of Woolworths, is seeking to rezone a 12.5 hectare parcel of land located between Greta Road and Salisbury Street to facilitate development of the land for a Supermarket and associated staged residential land subdivision.

Council's consent is required to proceed with the amendment process. Council must seek authorisation from the Minister for Planning to prepare the combined amendment to the Wangaratta Planning Scheme and planning permit.

The Proposal

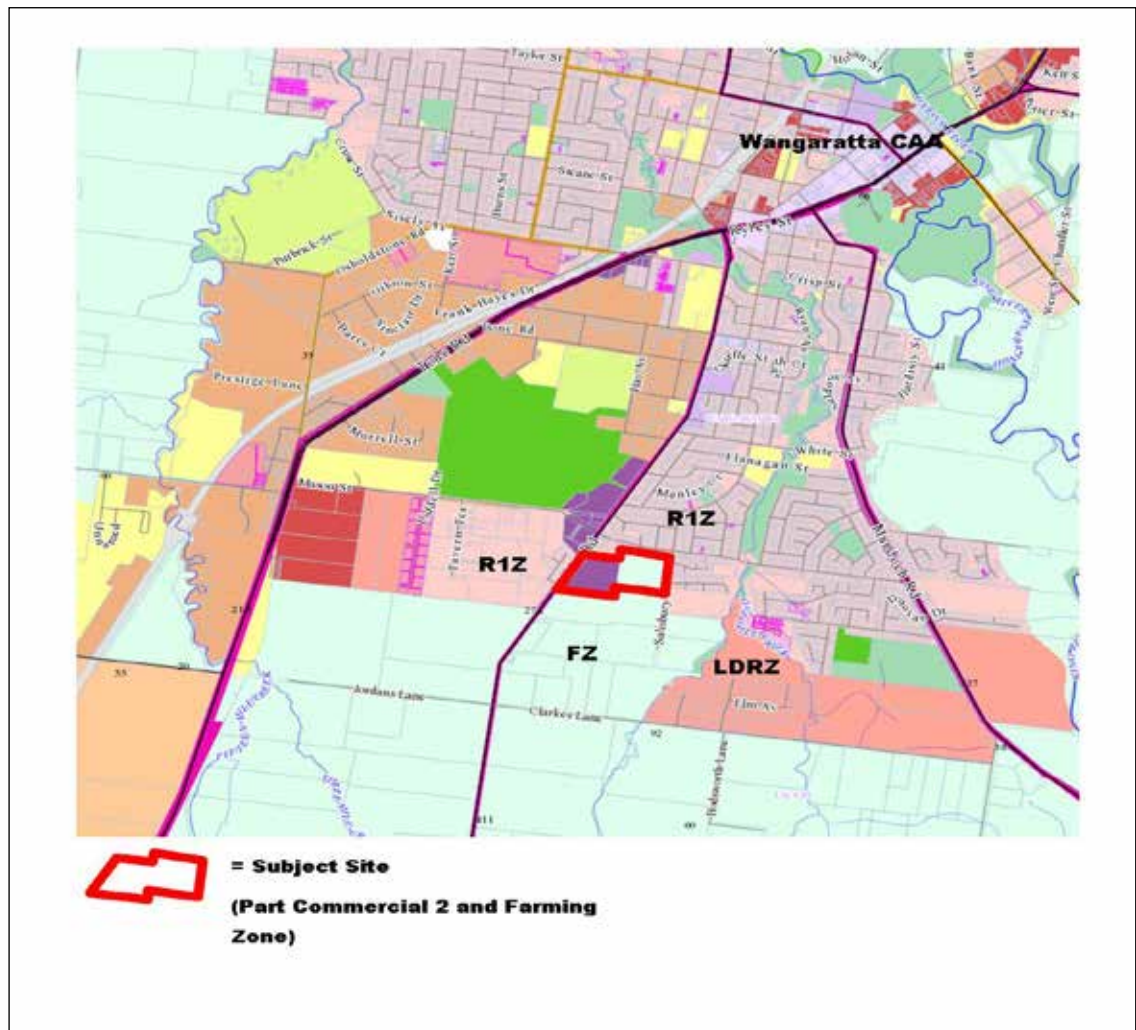
The proposal consists of two steps considered concurrently under section 96A of the *Planning and Environment Act 1987*, being:

1. Rezoning of the subject parcel of land from Commercial 2 and Farming Zone to Commercial 1, Commercial 2 and Residential 1 Zone; and

2. Approval of a planning permit for the Use and Development of a Supermarket, Use of land for licensed premises (Packaged Liquor), Removal of Native Vegetation, Installation of Business Identification Signage, Staged Subdivision of the land (108 Residential Lots) and the creation of Access to a Road Zone Category One (RDZ1).

The subject site is identified at Figure 1:

Figure 1: Location of Subject Site



The proposed rezoning map, concept development plan and the application information are enclosed at Attachment 1, 2 and 3 respectively (**refer attachments**).

The current zoning of the subject site is part Commercial 2 and part Farming Zone. These zones are not appropriate for the proposed supermarket and residential subdivision.

The key purpose of Commercial 2 is:

- *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*

Whilst the key purpose of the Farming Zone is:

- *To encourage the retention of productive agricultural land.*

The Farming Zone portion of the land generally incorporates the area proposed for Residential 1 Zone.

Due to the changes occurring within the Victorian Planning Provisions and in particular the application of new Residential Zones, the applicant has nominated that the land be included in the 'General Residential Zone' when the new zones are implemented into the Wangaratta Planning Scheme.

Issues

An Amendment and Permit Process under section 96A of the Planning & Environment Act 1987

To avoid a two-stage process where a planning proposal requires both an amendment to a planning scheme and a planning permit, the *Planning and Environment Act 1987* makes provision for a combined amendment and permit process. This allows a planning authority (Council), if requested by a proponent, to simultaneously prepare and exhibit an amendment and permit.

Under the combined process, a permit application can be for any purpose for which the planning scheme, as amended, will require a permit to be obtained. The permit component is processed quite differently to a normal planning application.

The differences include:

- no formal referral requirements;
- giving notice of the permit application is done jointly through 'exhibition' of the amendment; and
- the Minister for Planning makes the final decision about whether a permit is granted, with no further rights of review at VCAT.

Strategic Justification for the Rezoning

The subject land is located in a southern area of Wangaratta identified for future Residential (15+ years) within the Municipal Strategic Statement (MSS) of the Wangaratta Planning Scheme (Clause 21.06) that cites:

'Areas to the south of Wangaratta also have appeal and potential for residential development, subject to further investigation and provision of drainage.'

Council has recently released its Draft Population and Housing Strategy for community comment. The current draft document identifies the subject land

and surrounding area for residential purposes and development of a supermarket.

Support for the proposal was sought and provided by corporate management in early 2010, as documented in the Development Assessment Team (DAT) minutes dated 5 March 2012.

Strategic justification is further provided in the attached Explanatory Report, a document required to be prepared as part of a planning scheme amendment (***refer attachment***). It is noted that the Explanatory Report may be subject to minor changes as required by the Department of Transport Planning and Local Infrastructure, prior to being placed on public exhibition.

Consultation

Detailed assessment of the proposal has been undertaken through an extensive consultation process. Comment on the development and subdivision was sought from the following referral authorities, including the Country Fire Authority, SP Ausnet, North East Water, Telstra, APA Group, VicRoads relevant service authorities, and Council's Technical Services, Environment and Parks and Gardens Units.

VicRoads requested further information during the consultation process regarding traffic management issues with Greta Road. The main issues raised related to the traffic impact on the surrounding road network and the potential queuing and delays for traffic on Greta Road. VicRoads requested that an amended Traffic Impact Assessment Report (TIAR) be prepared which included a traffic movement analysis using SIDRA (Signalised Intersection Design and Research Aid) software. The applicant has undertaken this work and the information was re-submitted to Council and VicRoads.

The above issues and retention of remnant vegetation on the Greta Road reserve resulted in an amended design and layout of the development. The amended plans now constitute the plans for consideration and all statutory referral authorities including the Country Fire Authority, SP Ausnet, North East Water, Telstra, APA Group, and VicRoads have commented and provided conditions on this basis.

Assessment

The application has been assessed against the relevant provisions of the Wangaratta Planning Scheme as outlined.

Planning Scheme Provision	Objective	Assessment
State Planning Policy		
Clause 11 Settlement	<i>'Planning to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport and communication, water and sewerage and social facilities'</i>	The amendment responds to the needs of the existing and future residents through ensuring economic viability, diversity of choice, land use and transport integration and accessibility to the wider South Wangaratta area.
Clause 17.01 (Commercial)	<i>'To encourage development which meets the community's need for retail, entertainment office and other commercial facilities'</i>	<p>The amendment facilitates the establishment of a Commercial 1 Zone pad site to accommodate the proposed supermarket on the subject site.</p> <p>The development of the supermarket provides an essential local facility, supporting the surrounding residential area.</p> <p>The retention of a small portion of Commercial 2 Zone in the north-western corner of the site can accommodate land uses in the future which can compliment the supermarket.</p>
Local Planning Policy (Municipal Strategic Statement)		
Clause 21.06 - Urban development and central activities area	<i>'Areas to the south of Wangaratta also have appeal and potential for residential development, subject to further investigation and provision of drainage'</i>	<p>The amendment responds to the Wangaratta and Environs Framework Plan by proposing additional housing in Wangaratta South, in a future residential area.</p> <p>The applicant has prepared a Stormwater Strategy to demonstrate that appropriate measures can be integrated within the subdivision to manage stormwater, in</p>

Planning Scheme Provision	Objective	Assessment
		<p>response to known drainage issues within the surrounding area.</p> <p>The proposed residential subdivision pattern has been influenced by the pattern of subdivision that exists to the north and east of the subject site, and makes provision for future links to the south of the site. The size of the lots in conjunction with their configuration will enable all dwellings to take advantage of northern sunlight.</p>
<p>Clause 22.04-1 – Licensed premises</p>	<ul style="list-style-type: none"> · <i>Manage the interface between licensed premises and the surrounding or adjoining residential area.</i> · <i>Manage the location, operation and opening hours of licensed premises in order to protect the amenity of nearby residential areas.</i> 	<p>The amendment will result in the provision of an ancillary liquor store within the proposed supermarket. Pedestrian access to the liquor store is via the supermarket which will operate within the trading hours of the supermarket.</p> <p>Given the direct linkage of the liquor store and the supermarket, it is considered that there would be less impact on the amenity of the surrounding area in comparison to a stand-alone liquor store.</p> <p>Furthermore, as the purpose of the liquor store is to be a 'convenience' to the shoppers who visit the supermarket, it is expected shoppers will exit the site upon purchasing alcohol, thereby reducing the chances of anti-social behaviour occurring on-site.</p>
Particular Provisions		
<p>Clause 52.05 Advertising Signs</p>	<p><i>To provide for signs that are compatible with the amenity and visual appearance of the surrounding area.</i></p>	<p>The supermarket application proposed associated business identification signage, which includes a combination of internally and</p>

Planning Scheme Provision	Objective	Assessment
		<p>non-illuminated signage.</p> <p>The signage is considered to be consistent with the intent of Clause 52.05 and is considered appropriate in the context of the site and surrounding area.</p> <p>VicRoads, on referral, provided no objection to the proposed signage from the point of road safety. Appropriate conditions controlling the hours of illumination and levels of illumination should be included on the permit.</p>
<p>Clause 52.17 Native Vegetation</p>	<p><i>If the removal of native vegetation cannot be avoided, to minimise the removal of native vegetation through appropriate planning and design.</i></p> <p><i>To appropriately offset the loss of native vegetation.</i></p>	<p>The applicant proposes the removal of one tree on the land and has provided a Vegetation assessment and offset calculation to Council.</p> <p>Through the design process, Council sought changes to the initial plans to accommodate and retain the existing remnant vegetation on the adjoining road reserve, which include alteration of access and development of a low impact shared pathway network. On balance it is considered that the applicant has satisfied these objectives and appropriate conditions of permit can be drafted to further protect any offset provided.</p>
<p>Clause 52.27 Licensed Premises</p>	<ul style="list-style-type: none"> · <i>To ensure that licensed premises are situated in appropriate locations.</i> · <i>To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.</i> 	<p>As previously stated the licensed premises relates to packaged liquor sales and is directly linked to the supermarket.</p> <p>Based on this association that the licensed premises would not have a detrimental impact on the surrounding area. The hours of operation</p>

Planning Scheme Provision	Objective	Assessment
		until 11pm are consistent with similar packaged liquor premises along Greta Road.
Clause 56 Residential Subdivision	<i>'To create liveable and sustainable neighbourhoods and urban places with character and identity.'</i>	<p>The applicant has provided a tabled analysis of the subdivision against the relevant provisions of Clause 56.</p> <p>An assessment of the layout and design of the subdivision displays a high level of compliance against the provisions of Clause 56.</p> <p>The subdivision is considered to be site responsive in that:</p> <ul style="list-style-type: none"> · It provides a variety of lot sizes. · Lot orientations provide opportunities for northern orientation. · Strong pedestrian and vehicular linkages are provided to surrounding residential subdivisions. · The subdivision also provides future linkages to the south of the site. · A parcel of public open space is provided and acts as a buffer between the supermarket and residential subdivision. · The open space can be further linked into any future subdivision to the south of the subject site. · The subdivision will utilise water sensitive design techniques for the treatment of stormwater to control and improve water quality outfalls from the land.

Public Open Space

The applicant has proposed a neighbourhood park adjoining the supermarket site. It is noted that this public open space provided as part of this proposal constitutes 3.3% of the total residential subdivision area. Council normally requires the provision of 5% of public open space, which can either be provided through the provision of land, a cash contribution equivalent to 5% of the land value or a combination of both. In this instance the applicant has provided a parcel of land which does not meet the requirement of 5% and therefore it is considered that a condition should be included on the draft permit which requires the applicant to provide the additional 1.7% through a cash contribution.

Supermarket Development

Following a review of the plans, it is generally considered that the supermarket has been designed to limit impacts on the surrounding area. Concern has been raised over the presentation of the south western section from the site's Greta Road frontage. These concerns are not major and can be considered through some minor design changes in the form of amended plans to the satisfaction of Council.

The areas for change include:

- Removal of some staff car parking and use of this area for landscaping;
- Relocation of fire tanks to the site's southern boundary;
- Reconfiguration of the pump house to not project past the main western façade;
- Creation of a landscape buffer along the interface between the supermarket and the public open space; and
- Installation of an acoustic fence along the site's southern boundary to protect any future residential development from the service/delivery area of the supermarket.

Planning officers have worked with the proponent, Urbis, to address access, protection of remnant native vegetation, drainage infrastructure, management of open space and the design of the supermarket. The draft permit can be found at Attachment 5 to this report (***refer attachment***).

Implications

Council Plan 2013-17 Objectives

The proposal is consistent with Objective 5.2 *'To ensure land use planning provides balanced outcomes for growth, existing land use, environment and heritage'*. The proposal will provide an additional one hundred and eight residential lots to meet ongoing demand for residential lots consistent with the surrounding pattern of residential development.

Community Outcomes

The proposal will result in a net benefit to the community by creating a new supermarket to service the southern suburbs of Wangaratta. At the same time the subdivision will provide new residential land opportunities within an identified growth area for the Rural City of Wangaratta and will link with the existing pattern of residential subdivision on the eastern side of Salisbury Street.

The subdivision makes provision for a public open space reserve, which acts in part as a buffer between the supermarket and the residential subdivision.

Recommendation

That Council resolves to:

- 1. seek the Minister's authorisation to prepare and exhibit a combined draft amendment C45 to the Wangaratta Planning Scheme and draft planning permit; and***
- 2. delegate to the Chief Executive Officer the ability to make minor amendments or changes to the Draft Amendment as required by the Department of Transport, Planning and Local Infrastructure prior to exhibition.***

The motion was declared agreed by the Chair.

Communication

A formal written request be forwarded to the Department of Transport, Planning and Local Infrastructure seeking authorisation and the applicant to be notified of the decision.

Attachments include:

- Rezoning Map;
- Concept Development Plan;
- Planning Applications Reports and Application Information;
- Draft Explanatory Report; and
- Draft Planning Permit.

7.1.1.2 CONVERSION OF LIVESTOCK EXCHANGE HOLDING PENS

Saleyards Operation and Maintenance

85.020.001

Introduction

This report requests the urgent allocation of Council funds to upgrade the sheep holding pens at the Wangaratta Livestock Exchange to a standard that allows the holding of cattle.

Background

The number of stock agents operating at the Wangaratta Livestock Exchange has recently increased from four to five with the addition of Rodwells Benalla.

Issues

Cattle Throughput

On a conservative basis, a ten per cent increase in cattle numbers may result from the introduction of the Rodwells agency. This will result in the need to hold the additional cattle post-sale, awaiting transport to buyer destinations, in conditions that meet the requirements of the Australian Animal Welfare Standards and Guidelines – Livestock at Saleyards and Depots (the guidelines).

Early 2014 Weaner Sales

Two Blue Ribbon Weaner sales will occur in late January and early February 2014. These two sales attract 2,500 cattle each. The Rodwells agency could add an extra 250 head to these numbers. This will pose animal welfare risks related to penning density, heat stress and access to water.

Compliance with the guidelines requires that:

- Saleyards provide sufficient holding yards to avoid mixing different consignments of animals;
- Fences should be high enough to deter animals from jumping over rails and to prevent animals mixing or escaping;
- Livestock are not overcrowded in a pen or yard;
- An animal is freely able to move, turn around and rise from a lying position unobstructed in a pen or yard;
- In hot weather, the penning density of livestock should be managed (by reducing density) to minimise the risk of heat stress;
- All animals held in yards for more than 12 hours or lesser periods during hot weather, have reasonable access to cool clean drinking water; and
- Where water is provided, it should be easily accessible to all livestock and livestock should be able to drink with normal posture.

The two options available to achieve compliance include:

1. conversion of sheep holding pens; and
2. construction of greenfield cattle holding pens.

The latter was assessed as being the more costly option given the additional steel required as well as the provision of a wholly new potable water system to each pen. Conversion of sheep holding pens is the preferred approach given the existing availability of potable water in each pen and the lower materials cost.

Three quotes have been received to convert ten sheep holding pens:

The cheapest quote complies with the quotation threshold in Council's procurement policy.

This project is not funded in the 2013/14 budget. However, the addition of Rodwells to the facility is likely to generate an extra \$50,000 in income this financial year.

It is requested that approval be given for Brimin Engineering Pty Ltd to commence this work as soon as possible.

Implications

Council Plan Outcomes

Council's 2013-2017 Plan includes an objective to *focus on key issues affecting the rural sector*, with actions to:

1. *advocate for and progress rural issues; and*
2. *commence the development of the Wangaratta Saleyards upgrade. (Subject to funding availability)*

Sustainability

Local Economy

The Wangaratta Livestock Exchange generates significant direct and indirect economic activity to the rural and urban sectors.

Local Community

The Wangaratta Livestock Exchange provides a meeting place, generating both social and business interaction.

Council's Financial Position

The budgetary impact of this upgrade is additional capital expenditure of \$49,960.90 inclusive of GST. This expenditure can be funded by a transfer from the Wangaratta Livestock Exchange Reserve. Future revenue generated by increased throughput is estimated at \$50,000 per annum.

Conclusion

The allocation of funds is required to upgrade the sheep holding pens at the Wangaratta Livestock Exchange to a standard that allows the holding of cattle in accordance with Australian Animal Welfare Standards and Guidelines – Livestock at Saleyard and Depots.

It is recommended that the quote from Brimin Engineering Pty Ltd for the upgrade of the sheep holding pens at the Wangaratta Livestock Exchange be accepted.

Recommendation

That Council resolves to:

- 1. approve the allocation of funds from the Wangaratta Livestock Exchange Reserve to upgrade the sheep holding pens at the Wangaratta Livestock Exchange to a standard that allows the holding of cattle; and*
- 2. award the contract for \$49,960.90 inclusive of GST to Brimin Engineering Pty Ltd.*

The motion was declared agreed by the Chair.

Communication

The successful tenderer will be requested to commence works as soon as possible.

7.1.1.3 ANNOUNCEMENT OF CHIEF EXECUTIVE OFFICER

Ailsa Fox, Administrator Chair, announced that a new Chief Executive Officer had been appointed. Council received 58 applications and, after extensive questioning and testing, Mr Brendan McGrath, former Chief Executive Officer of Indigo Shire, has been appointed to the position of Chief Executive Officer of the Rural City of Wangaratta.

8. CLOSURE OF MEETING

The meeting closed at 5:42pm.