

# WANGARATTA RURAL CITY COUNCIL



BUSINESS PAPER FOR THE ORDINARY MEETING  
OF THE WANGARATTA RURAL CITY COUNCIL, TO BE HELD  
IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES,  
62-68 OVENS STREET, WANGARATTA  
ON **TUESDAY, 8 OCTOBER 2013** COMMENCING AT 7.00PM

Kelvin Spiller  
**ACTING CHIEF EXECUTIVE OFFICER**

As at 4/10/13 2:19 PM



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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**

4. **ABSENT**

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

**ORDER OF BUSINESS**

6. **CITIZENSHIP CEREMONY**

Nil

7. **CONFIRMATION OF MINUTES**

**Recommendation**

*That the Minutes of the Ordinary Meeting of 17 September 2013 be taken as read and confirmed as a true and accurate record of the proceedings of the meeting.*

8. **CONFLICT OF INTEREST DISCLOSURE**

9. **RECEPTION OF PETITIONS**

10. **HEARING OF DEPUTATIONS**

## 11. PRESENTATION OF REPORTS

### 11.1 COUNCILLOR'S REPORTS

Nil

### 11.2 OFFICER'S REPORTS

#### 11.2.1.1 APPOINTMENT OF ADMINISTRATOR

The Governor in Council appointed Peter James Stephenson as an administrator for the Wangaratta Rural City Council from 25 September until 30 October 2013.

A copy of the Order In Council is included (*refer attachment*).

#### 11.2.1.2 ADMINISTRATOR – AFFIRMATION OF OFFICE

The Administrator, Mr Peter Stephenson, made an Affirmation of Office before the Acting Chief Executive, Mr Kelvin Spiller, on 25 September 2013.

A copy of the signed Affirmation will be included in the minutes of the meeting (*refer attachment*).

## 11.2.2 EXECUTIVE SERVICES

### 11.2.2.1 SEALING CLAUSE

Meeting Systems and Procedures

10.005.001

#### Introduction

This report presents to Council a revised sealing clause which reflects the appointment of an administrator.

The sealing clause is applied to any contract document or agreement.

#### Background

The Local Government Act (Rural City of Wangaratta) Act received Royal Assent on Tuesday 24 September 2013 and came into operation on Wednesday 25 September 2013. The purpose of the Act is to “dismiss the Rural City of Wangaratta Council” and to “provide for the appointment of an administrator or a panel of administrators”.

#### Conclusion

It is appropriate that Council adopts a revised sealing clause.

#### Recommendation

***That Council resolves to adopt the following sealing clause for use during the period of the appointment of administrators:***

***THE COMMON SEAL of WANGARATTA RURAL CITY COUNCIL was hereunto affixed in the presence of:***

\_\_\_\_\_

**CHIEF EXECUTIVE OFFICER**

\_\_\_\_\_

**ADMINISTRATOR**

#### Communication

Those officers responsible for the preparation of contracts be advised of the form of the sealing clause.

## 11.2.3 SUSTAINABILITY

### 11.2.3.1 REGIONAL CITIES VICTORIA GROWTH FRAMEWORK AND DIAGNOSTICS TOOL

Regional Cities Victoria

25.010.020

#### Introduction

The purpose of this report is to update Council on the progress of the Regional Cities Growth Strategy. This project was commissioned by Regional Cities Victoria (RCV), of which Council is a member. The report is now submitted for Council's acknowledgement (**refer attachment**).

#### Background

Established in 2000, Regional Cities Victoria represents the State's 10 largest regional cities, including Ballarat, Bendigo, Geelong, Horsham, Latrobe, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.

Regional Cities Victoria's vision is: 'Building a Sustainable Victoria through Regional Growth' and the objectives are:

- Define and develop long-term policies that support and encourage the growth of regional Victoria as a viable alternative to metropolitan Melbourne;
- Encourage, enable and support governments to deliver those policies;
- Ensure Regional Cities continue to develop quality services, amenities and transport networks;
- Increase workforce capacity and employment opportunities in Regional Cities; and
- Continue to build awareness of Regional Cities Victoria among government, media, business and Regional Cities Victoria communities.

In 2012 Regional Cities Victoria received funding from the State Government to undertake the first phase of the Regional Cities Growth Strategy project. The first phase – the Regional Cities Victoria Growth Framework – has been completed, paving the way for Regional Cities Victoria to prepare growth plans for each Regional Cities Victoria member council.

In 2012, Regional Cities Victoria commissioned an update of its previously-released report, *Implications of Population Growth on Infrastructure and Resources in Regional Cities*. The revised report estimated that Regional Cities' combined population could increase by more than 288,000 between 2012 and 2031 and confirmed the urgency of making integrated Regional City planning a high priority.



That report showed that Regional Cities have the capacity to support population and business growth at levels above current forecasts. However, Regional Cities Victoria acknowledges that significant additional infrastructure and service investment would be required.

To provide a methodology to guide Regional Cities as they undertake their own integrated planning, Regional Cities Victoria commissioned the Regional Cities Victoria Growth Framework. The framework is a guide to help Regional Cities plan for future growth and development and to prioritise investment in services and infrastructure.

It creates an ordered structure for the broad range of priorities that Regional Cities need to consider and provides a logical approach for Regional Cities to develop their own flexible growth plans.

The Growth Framework has three core components:

- A resource paper explaining the economic theory underlying Regional City growth;
- A set of growth indicators enabling each Regional City to determine its current position and to set measureable benchmarks; and
- A Diagnostics Tool each Regional City can use to set targets and priorities in achieving aspirational outcomes.

The Growth Framework draws on a wide range of variables in the economic value chain. It also identifies those variables that Regional Cities can influence by investment and/or policy and those variables they can't influence because they are external, such as major economic downturns or natural disasters.

The Diagnostics Tool enables a Regional City to identify current and future growth and investment priorities and the policy or regulatory responses needed to meet future growth challenges.

The outputs of regional diagnostics reporting using the Diagnostics Tool can:

- Identify priority projects within Regional Growth Plans; and
- Enable State and Federal Government to target funding across Regional Cities.

The Growth Framework provides the overall contexts – the 'what', 'where' and 'why' of Regional City growth. The Diagnostics Tool provides the pragmatic means – the 'how' – of delivering that growth.

The Growth Framework's strong evidence base enables Regional Cities to confidently undertake their diagnostics assessments, and contribute to the future prosperity of their regions and their State.

## **Implications**

### **Council Plan Outcomes**

The Regional Cities Growth Framework is consistent with the Strategic Activity in Section 5 of the Council Plan 2013-2017:

*'To ensure land use planning provides balanced outcomes for community, growth, existing land use, environment and heritage.'*

### **Sustainability**

The outcomes of the Regional Cities Growth Framework are very positive for the sustainability of:

- Local Economy;
- Local Environment; and
- Local Community

### **Financial**

There is no impact on Council's Budget. All costs in the preparation of the framework have been borne by the State Government by providing funds to the R Regional Cities Victoria for undertaking this project. Council and other agencies may use the framework to help seek future funding and investment in infrastructure or other planning which supports the directions of the framework.

## **Conclusion**

The Regional Cities Growth Framework is a guide to help Regional Cities plan for future growth and development and to prioritise investment in services and infrastructure.

## **Recommendation**

***That Council acknowledge the Regional Cities Victoria Growth Framework.***

## **Communication**

Council to forward this response to the Regional Cities Victoria in respect to the Regional Cities Growth Framework.

Council's Senior Management Team (SMT) and Integrated Project Group (IPG) are advised of the framework and diagnostics tool.

The Growth Framework three core components can be viewed on Council's Website.

### 11.2.3.2 GLENROWAN BUSHFIRE ASSESSMENT STUDY – BUSHFIRE MANAGEMENT OVERLAY

Glenrowan Bushfire Study

73.010.021

#### **Introduction**

This report seeks Council's agreement to exhibit the Glenrowan Bushfire Assessment study (*refer attachment*) and consult with relevant agencies and key stakeholders. The investigations of the study will form part of, and inform, the preparation of a future Structure Plan for Glenrowan.

#### **Background**

Council received Bushfire Planning grant funding in June 2011 for a sum of \$30,000 for bushfire investigations associated with the Bushfire Management Overlay to support future Structure Planning for Glenrowan Township.

Council engaged a specialist bushfire consulting firm Terramatrix to complete the Glenrowan Bushfire Assessment study. A final report by the consultant was provided to Council in August 2013.

#### Findings of the Investigations

The study area for these investigations is a designated Bushfire Prone Area (BPA) comprising 639ha of land around Glenrowan. Glenrowan is also impacted by the existing Wildfire Management Overlay and the Draft Bushfire Management Overlay which is currently under review.

The assessment has undertaken a number of key tasks in assessing the bushfire risk to Glenrowan and the completed investigations have identified a number of key outcomes for Glenrowan that relate to future planning having regard to existing and future bushfire risks.

These include:

- Avoid residential development in higher risk areas by avoiding Bushfire Management Overlay areas and providing appropriate setbacks from classified vegetation;
- Consolidate the township edge to limit grass/bushfire spread into the town area by promoting new bushfire-resistant development to the north of the existing town area;
- Reduce the impact of bushfire on existing township and new subdivisions by providing appropriate defensible space, promoting fire-safe landscape design within the town area, and constructing new dwellings to the appropriate BAL construction standard;
- Facilitate effective fire suppression through urban design that meets CFA requirements for access and water supplies; and

- Provide viable evacuation and/or shelter-in-place options for residents and visitors.

The Study identifies five key planning precincts:

- Precinct 1 –Priority Future Growth Area (Township Area – Infill Development);
- Precinct 2 –Priority Future Growth Area (Farm land - Greenfield Development);
- Precinct 3 – No Go Area (North East – Bushfire Management Overlay area - Highly fire prone);
- Precinct 4 –Not Priority Future Growth Area (West of Township – Farm land); and
- Precinct 5 - Not Priority Future Growth Area (within Bushfire Management Overlay).

In determining the above five precincts consideration was given to:

- the impact bushfire may have on the safety of any future residential development at Glenrowan; and
- the impact the proposed urban development may have on the bushfire characteristics of the area into the future.

The completed investigations now need to be made available to relevant state agencies and key stakeholders within Glenrowan through public exhibition. These investigations will now be used to inform the development of a Structure Plan for Glenrowan which is included in Council's Strategic Planning Program.

### **Implications**

#### Council Plan Outcomes

The development of a Structure Plan for Glenrowan is an action within Council's Plan.

#### Sustainability

The outcomes of the draft amendment are very positive for the sustainability of:

- Local Environment; and
- Local Community

The assessment of bushfire risk and future planning outcomes is important to ensure that current and future development is consistent with the protection of life and property.

### Community Engagement

Public exhibition and consultation with key stakeholders is required to ensure the community is informed of the implications of the assessment.

### Recommendation

***That Council resolves to authorise the Chief Executive Officer to:***

- 1. exhibit the Glenrowan Bushfire Assessment for public comment for a period of 28 days;***
- 2. consult with relevant agencies and stakeholders regarding the completed assessment; and***
- 3. present a further report to Council, with any submissions, at the end of the public exhibition period.***

### 11.2.3.3 DRAFT AMENDMENT 54 TO WANGARATTA PLANNING SCHEME – MAPPING CORRECTIONS 2013

Wangaratta Planning Scheme Amendment 54

73.030.062

#### **Introduction**

This report seeks Council agreement to prepare a Draft Amendment to the Wangaratta Planning Scheme to finalise outstanding mapping corrections request Minister's authorisation and place on public exhibition the Draft Amendment.

#### **Background**

Council considered a previous report regarding the preparation of Amendment No 38 for the correction of mapping errors on the 25<sup>th</sup> January 2011.

At that meeting Council resolved to prepare a mapping corrections amendment.

However, at that time, the resolution on the 25<sup>th</sup> January 2011 excluded a range of mapping and overlay corrections that were previously presented to the Council Forum in December 2011. The reason for the exclusion of these matters is unclear as the map corrections are essential in some cases and minor in nature.

These amendments included (*refer attachment*) are detailed below with reasons for the changes:

#### **Map 1 – Whitfield Zone Map Corrections**

##### **Details of map corrections**

Rezoning the following land(s) from Township Zone to Farming Zone:-

- Lot 2 TP438712, 10 King Valley Road, Whitfield

Rezoning the following land(s) from Farming Zone to Township Zone:-

- Lot 1 TP 532981, 24 King Valley Road, Whitfield;
- Lot 1 TP 232595, 26 King Valley Road, Whitfield; and
- Lot 8 LP 53272, 6165 Whitfield Road, Whitfield

Rezoning the following land(s) from Farming Zone to Public Use Zone 3 – Health and Community

- Lot 1 TP 244738, Whitfield Road, Whitfield

### Reasons

The Township Zone in Whitfield does not align with the boundaries of the nearby allotments and the map is to be amended to align the zone boundaries with the property boundaries.

Lot 1 TP 244738 adjoins the Whitfield Recreation Reserve, is owned by Council and forms part of the reserve which is a community facility.

## **Map 2 – Springhurst Zone Map Corrections**

### **Details of Map Corrections**

Rezoning the following land(s) from Farming Zone to Public Conservation and Resource Zone:-

- Crown Allotment 12D Section 2, Sanderson Road, Springhurst

Rezoning the following land(s) from Public Conservation and Resource Zone to Farming Zone:

- Crown Allotment 9, Section 2, Sanderson Road, Springhurst

### Reasons

Crown Allotment 12D is a Conservation Area and is to be zoned appropriately. Crown Allotment 9 is privately owned land and not identified as a Conservation Area.

## **Map 3 Glenrowan Zone Map Corrections**

### **Details of Map Corrections**

Rezoning the following land(s) from Farming Zone to Public Park and Recreation Zone:

- Crown Allotment 113E, 5 Daniel Lane, Glenrowan;
- Crown Allotment 2B Section 19, Daniel Lane, Glenrowan; and
- Lot 1 TP 782189, Rifle Range Road, Glenrowan

### Reasons

These lands are public land and need to be recognised by using an appropriate public land zone.

## **Map 4 Coleman Road North Wangaratta Zone Map Corrections**

### **Details of Map Corrections**

Rezoning the following land(s) from Farming Zone to Public Use Zone 6 - Local Government:-

- Lots 1, 2 and 3 TP 115934 Coleman Road, North Wangaratta;
- Lot 1 TP 115932 Coleman Road, North Wangaratta; and
- Lots 1 and 2 PS 303243 Coleman Road, North Wangaratta

### Reason

These lands are owned and managed by Council as a refuse disposal (Bowser landfill) site and should be recognised by applying an appropriate Public Use Zone.

## **Map 5 Myrhee Zone Map Corrections**

### **Details of Map Corrections**

Rezoning the following land(s) from Public Use Zone 2 – Education to Farming Zone:-

- Lot 1 and 2 TP 602666, Benalla Whitfield Road, Myrhee;
- Lot 2 TP 644145, 26 Upper Fifteen Mile Creek Road, Myrhee; and
- Crown Allotment 5C Section A, 4147 Wangaratta-Whitfield Road, Myrhee

Rezoning the following land(s) from Road Zone 2 to Farming Zone:-

- A section of unconstructed road reserve at the intersection of Boggy Creek Road and the Benalla – Whitfield Road, Myrhee; and
- Lot 102 PS5112232, 1706 Benalla – Whitfield Road, Myrhee

### Reasons

The land(s) located at the Benalla Whitfield Road and Upper Fifteen Mile Creek Road were originally part of the Myrhee Public School site while the land on the Wangaratta Whitfield Road was formerly used as the King Valley Primary School.

Each of the sites was sold by the Victorian Government and is now in private ownership. Rezoning the land to Farming Zone is consistent with the ownership, use and development of the land(s) and that being adjacent, privately owned and used land.

The rezoning of land within Road Zone 2 is land that is outside of the existing road reserve and is privately owned.



## **Map 6 Oxley zone map corrections**

### **Details of Map Corrections**

Rezoning the following land(s) from Public Use Zone 6 – Local Government to Farming Zone:-

- Crown Allotment 17E Section 2A, 115 Smith Street, Oxley

#### Reason

The land was formerly owned by Council and was used as a domestic animal pound for the township of Oxley. The land is privately owned, used and developed with a dwelling as it was sold in 1998. Rezoning the land from Public Use Zone – schedule 6 to Farming Zone is consistent with the ownership, use and development of the adjoining and nearby land that is privately owned.

## **Map 7 Murrumgee zone map corrections**

### **Details of Map Corrections**

Rezoning the following lands from Public Parks and Recreation Zone to Farming Zone:-

- Crown Allotment 8 Section F, Ellens Lane, Parish Murrumgee

#### Reason

The above land(s) is privately owned and used for agricultural purposes consistent with the adjoining allotment under the same ownership. It has been inadvertently zoned Public Parks and Recreation Zone which is a public land zone. Rezoning the land to Farming Zone is consistent with the ownership, use and development of the land and that with adjoining privately owned and used land.

## **Map 8 Templeton Flood Overlay Corrections**

### **Details of overlay corrections**

Applying the Flood Overlay to the following lands:-

- Crown Allotment 15 Section 38, Parish Wangaratta;
- Crown Allotment 9 Section 38, 36 Templeton Street, Wangaratta;
- Crown Allotment 2 Section 39, Parish Wangaratta;
- Lot 1 TP12846, 26 Templeton Street, Wangaratta;
- Part Crown Allotment 4 Section 39, Templeton Street, Wangaratta;
- Part Crown Allotment 5 Section 39, 28 Templeton Street, Wangaratta;
- Lot 1 TP19274, 30 Templeton Street, Wangaratta; and
- Lot 1 TP18721, 32 Templeton Street, Wangaratta

### Reason

The North East Catchment Management Authority has advised that the above land(s) are flood prone and had previously requested that the boundary of the overlay be amended as a priority.

### **Other Minor Map Corrections**

During the preparation of any mapping corrections there are, by default during preparation of maps and review by DTPLI, other properties that may be identified in the correction process that may also require zoning adjustment. To ensure this administrative process is not delayed provision for additions to this mapping process is sought in the resolution presented to Council.

### Implications

#### Council Plan Outcomes

The updating and maintenance of a current planning scheme and maps is a critical ongoing responsibility under Council's Plan

#### Sustainability

The outcomes of the Draft Amendment are very positive for the sustainability of:

- Local Economy;
- Local Environment; and
- Local Community

The correction of zone boundaries promotes the orderly and economic use of land which is consistent with current State and Local planning outcomes.

#### Community Engagement

All owners affected by the proposed amendment will be notified of the Draft Amendment during public exhibition

### Recommendation

***That Council authorise the Chief Executive Officer to:***

- 1. seek the Minister's authorisation to prepare and exhibit Draft Amendment C54 to the Wangaratta Planning Scheme, and***
- 2. make amendments or changes (including adjustments for any additional properties identified as agreed with the Department of Transport, Planning and Local Infrastructure) to the Draft Amendment with the Minister as required prior to exhibition.***

#### 11.2.3.4 DRAFT AMENDMENT 51 TO WANGARATTA PLANNING SCHEME – RURAL CITY OF WANGARATTA OPEN SPACE STRATEGY 2012

Wangaratta Planning Scheme Amendment 51

73.030.063

### **Introduction**

This report seeks Council agreement to:

1. request Minister's authorisation and place on public exhibition a draft amendment to the Wangaratta Planning Scheme to implement the outcomes of the Wangaratta Open Space Strategy; and
2. implement in conjunction with the draft amendment a consistent public open space contribution flat rate of 5% of site value for industrial, residential and commercial subdivisions.

### **Background**

The Wangaratta Open Space Strategy was adopted by Council at its meeting on the 18 September 2012.

Section 8 of the Strategy identifies the requirements for the Statutory Implementation of the Strategy.

### **Current Situation**

Council is being assisted through the Rural Flying Squad to prepare the necessary draft amendment to the Wangaratta Planning Scheme.

This draft amendment includes as recommended by the adopted Strategy:

- changes to the MSS to incorporate key recommendations;
- development of a new Local Planning Policy for Public Open Space; and
- alteration to the Schedule to Clause 52.01 to implement a flat rate open space contribution of 5% of site value to all residential, commercial and industrial subdivisions

At this stage the draft amendment and supporting documents are ready to be finalised and submitted to the Minister for authorisation to proceed with public exhibition of the draft amendment.

Prior to the documentation being completed Council will need to consider the flat rate open space contribution of 5% of site value being recommended in this report.

### Application of Open Space Contributions

The key issue for Council to consider with this draft amendment is whether a flat rate of 5% or a rate of up to 5% of land or site value is to be applied to subdivisions of 3 or more allotments in residential, commercial and industrial zones.

The adopted Open Space Strategy states that a land or cash contribution of up to 5% of site value is to be made. However current practice in Council has been to adopt a flat 5% of site value contribution rate. This report recommends that Council continues with this practice and adopts a flat rate of 5% of site value within the draft amendment.

There are a number of reasons for this approach:

- the application of a flat rate is consistent with the approach taken by other councils such as City of Whitehorse and Greater City of Ballarat;
- Council's adopted Open Space Strategy does not spell out how Council would apply a rate of 'up to 5%'. This would require Council to repeatedly justify why it has applied, for example, 2% in one subdivision and 5% in another subdivision;
- the reasons and justification for an up to 5% rate in Council's Open Space Strategy is insufficient;
- it is inequitable to not charge all subdivisions an equal proportion for the provision of public open space; and
- Council has no endorsed methodology for applying a varying rate.

There are a number of VCAT cases and existing Open Space Strategies that support this approach:

In *Fletcher v Maroondah City Council* (includes Summary) (Red Dot) [2010] VCAT 670 (20 May 2010) found that the contribution amount in Clause 52.01 of the Victoria Planning Provisions is a fixed amount that must be paid where it is specified in the schedule to a municipal planning scheme. By comparison, section 18(1) of the Subdivision Act 1988 is a variable amount up to 5% of site value and there is discretion as to the amount to be paid.

Hobsons Bay Public Open Space Plan states '... the amount an additional dwelling will contribute to the provision of open space should be the same regardless of the size of the development, and therefore, assuming that in most instances residential subdivisions will be small and contributions will be taken as cash, the proportion of the value will be the same for a two dwelling development as it will be for a 20 dwelling development...

Therefore by specifying a 5% of site value as Public Open Space Contribution in the Wangaratta Planning Scheme all land would have to contribute land or make a cash in-lieu payment to the value of 5% of the land to be subdivided.

## **Implications**

### **Council Plan Outcomes**

The adoption of the Open Space Strategy provides a substantial investment in the future direction for Open Space and Recreation planning in the City and the statutory implementation of the adopted Strategy is a critical component.

### **Sustainability**

The outcomes of the Draft Amendment are very positive for the sustainability of:

- Local Economy;
- Local Environment; and
- Local Community

The use of the contributions toward provision and upgrading of open space and recreation facilities has a wide community social, economic and environmental benefit to the City.

### **Community Engagement**

While the Strategy has already been exhibited for public comment in 2012 the draft amendment and Strategy will be exhibited for further public comment.

## **Recommendation**

***That Council resolve to:***

- 1. adopt a flat rate of 5% of site value for open space contributions in all residential, commercial and industrial zones;***
- 2. authorise the Chief Executive Officer to:***
  - a) seek the Minister's authorisation to prepare and exhibit Draft Amendment C51 to the Wangaratta Planning Scheme; and***
  - b) make amendments or changes to the Draft Amendment with the Minister as required by DTPLI prior to exhibition.***

11.2.3.5 PLANNING PERMIT APPLICATION PInApp13/092 - SEVENTEEN (17) LOT STAGED SUBDIVISION, REMOVAL OF AN EASEMENT AND CREATION OF AN ACCESS TO A ROAD ZONE CATEGORY 1 (RDZ1) AT 53 OLD SCHOOL ROAD WALDARA VIC 3678,

PInApp

13/092

**Background**

Applicant: North East Survey Design  
 Owner: Jason J McPhail  
 Subject Land: Lot 7 PS 549291 Vol 11041 Fol 080  
 53 Old School Road WALDARA VIC 3678

Zone/s: Low Density Residential Zone (LDRZ)




Overlay/s: N/A

**Recommendation:** Approval - Notice of Decision.

**Site & Context**

The subject site is located on the corner of Old School Road and the Wangaratta-Yarrowonga Road, Waldara. The site currently contains a dwelling located within the south west corner of the land, as depicted below in the aerial image.



 = Subject Site     = Objection     = Objection withdrawn

The site currently has vehicular access to Old School Road and in general the eastern portion of the land is used for grazing purposes.

The surrounding area is characterised by Farming land immediately to the north and Low Density Residential subdivision to the west, south and the south eastern side of the Wangaratta-Yarrawonga Road.

### **Proposal**

The applicant proposes the subdivision of the land into seventeen (17) lots, which is to be undertaken in two stages. A copy of the plan of subdivision is attached to this report (***refer attachment***).

Stage 1 will consist of seven (7) lots with two of the lots having frontage and access to the sites Wangaratta-Yarrawonga Road, and five (5) lots have access from a common driveway to be created from Old School Road.

Stage 2 will consist of nine (9) lots, which will have access via two common driveways to be created from Old School Road with residual lot A.

A waterway is located on the south east section of the land and a 30 metre buffer has been provided between any lots and the waterway. This waterway is a declared NECMA waterway and continues under Old School Road through a number of properties, eventually connecting to the Ovens River.

### **Planning Permit Trigger**

- Clause 32.03-3 Low Density Residential – Subdivision of Land;
- Clause 52.29 – Create or alter access to a Road Zone Category 1; and
- Clause 52.02 - Easements, Restrictions & Reserves

### **Relevant Planning Provisions**

The following provisions of the Wangaratta Planning Scheme are relevant to this proposal:

<b>Section</b>	<b>Clause</b>	<b>Provision</b>
State Planning Policy Framework	16.01-1	Integrated Housing
	19.03-3	Stormwater Objective
Local Planning Policy Framework - MSS	21.03	Be a vibrant, diverse and secure place to live.
Local Planning Policy Framework - Local Planning Policy		N/A
Zones	32.03-3	Low Density Residential Zone
Overlays		N/A

Section	Clause	Provision
Particular Provisions	52.29	Create or alter access to a Road Zone Category 1
	52.02	Easements, Restrictions & Reserves
Other Relevant Provisions/Documents/Information		

### **Referrals**

The application was referred to the following referral authorities:

Authority	Section	Response
Country Fire Authority (CFA)	Section 52	Consent subject to conditions.
North East Catchment Management Authority (NECMA)	Section 52	Consent subject to conditions.
Vic Roads	Section 55	Vic Roads requested further information on 11/7/2013. Following amendment of the plan which included limiting the level of access to Wangaratta-Yarrowonga Road to a maximum of two properties, and alteration of the intersection treatments to the Old School Road intersection - Vic Roads have provided consent subject to a number of conditions.
SP Ausnet	Section 55	Consent subject to conditions.
APA Group (Gas)	Section 55	Consent subject to conditions.
North East Water	Section 55	Consent subject to conditions.

### **Internal Departmental Advice**

Department	Response
Technical Services	No objection – Subject to conditions relating to infrastructure provisions and detention of stormwater on the site.
Environment	No objection – subject to avoidance of native vegetation.



## **Advertising**

The application was advertised to adjoining land owners and an advertisement was placed in the Wangaratta Chronicle. Six letters of objection were received and a conciliation meeting was held on the Wednesday 4<sup>th</sup> September, 2013. The issues raised within the letters of objection were discussed and following the meeting, one letter of objection was withdrawn subject to two requirements:

- The power pole located on Lot 1 must be positioned in a location as agreed with the adjoining land owner;
- No trees are to be removed to accommodate the relocation of this power pole.

It is considered that these requirements can be accommodated through conditions of permit.

The issues raised within the remaining objections are summarised below and comments made.

Issue	Comment
<p>Drainage Issues with the surrounding area and water onto adjoining properties from the subject land.</p>	<p>Council's Technical Services department has reviewed the application and provided no objection to the proposal, subject to the incorporation of conditions.</p> <p>Council is aware of some drainage issues that occur on the land and in the surrounding area and has reviewed the photographs and evidence submitted within the letters of objection. The issue of drainage was discussed extensively at the Conciliation meeting and the permit applicant suggested that a collective approach between owners may be appropriate. However this involves land not subject to this application and therefore can-not be considered as part of this assessment and would require agreement by a number of land owners.</p> <p>It is considered that the conditions suggested by Council's Technical Services Unit require that all of the lots have on-site detention through the use of water tanks, to ensure any outfall to the swale drain network is controlled and restricted to a level which will prevent uncontrolled levels of stormwater flowing from the land onto adjoining land.</p>

Issue	Comment
Erosion of adjoining farming land due to increased levels of water	<p>As discussed above it is considered that the conditions imposed by Council's Technical Services, which include retention of stormwater on the land, will not result in an increase in water flow from the site onto adjoining land or into the existing drainage network.</p> <p>The detention of water on each lot through the use of rain water tanks will control the outfall from each lot to be the equivalent of the exiting on site conditions. The requirement to have a rain water tank on each lot of a minimum size of 25000 litres will be mandatory for all owners of the lots and enforced through the use of a Section 173 agreement. This rain water tank is not designed to be used for drinking purposes, as the lots will be connected to reticulated water and sewerage.</p>
Increased levels of Salinity	The issue of salinity has been raised by adjoining property owners, and its possible impact on the adjoining farm land. Through the implementation of the applicant's stormwater management plan, it is proposed that the rate of any water from the land will be reflective of the current situation, which should not adversely impact on the salinity of the area.
Reduction in land Values	This issue is not a relevant consideration under the provisions of the Planning and Environment Act 1987
Intersection / Traffic Increased levels of Traffic	Concern was raised over the increase in traffic around the Intersection treatment to Old School Road. The applicant has submitted a traffic report prepared by Traffic Works, which makes recommendations for a review of the speed limits along the adjoining roads following the creation of the lots. Vic Roads and Council's Technical Service Department as the relevant road authorities have reviewed the report and have both have provided no objection. It is considered that the design of the intersection and any impact from increased levels of traffic is acceptable in the context of the surrounding area.

## **Planning Assessment**

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

#### **16.01-1 Integrated Housing**

The proposal is consistent with this policy. The application proposes the subdivision of land already zoned Low Density Residential Land on the northern fringe of Wangaratta. The proposal provides a range of choice in lot design consistent with the surrounding pattern of subdivision, providing choice for Low Density Living in close proximity to the Urban Centre of Wangaratta.

#### **19.03-3 Stormwater**

The proposal has been assessed against this objective and it is considered that the proposal to use Swale Drains and detention of water on the land is consistent with the objectives of this policy.

#### **Zone – Clause 32.03-3 Low Density Residential Zone**

The proposal is considered to be consistent with the purpose of the land and the subdivision is designed to connect to the reticulated sewerage and water network, which now extends to much of the Waldara area.

### **Particular Provisions**

#### **Clause 52.02 Easements, Restrictions & Reserves**

The proposal seeks the removal of the existing electricity easement which transverses the land. This easement supports the existing above ground electricity line on the land. The applicant now seeks to relocate this line to be located along the southern boundary of the site. SP Ausnet has provided no objection to this relocation through the referral process and it is considered that the proposal meets the objectives of this Clause.

#### **Clause 52.29 – Create or alter access to a Road Zone Category 1**

The proposal is consistent with the objectives of this clause and Vic Roads in their capacity as the Roads Authority have provided no objection to the proposal.

#### **Clause 52.17 Native Vegetation**

##### **Vegetation – Section 173 Agreement**

The application does not propose the removal of native vegetation on the land, and the plans indicate that no vegetation is to be removed on the road reserve.

A number of trees are located on lots 6, 9 and 10. The applicant has indicated that these trees are to be protected and removal is not proposed at this stage. Given the size of the lots being greater than 4000m<sup>2</sup> in size, this vegetation would require a planning permit for removal. It is considered that the plan of subdivision should be amended to provide accurate Tree Protection Zones and these areas

should be excluded from buildings activity on the land. This requirement should be reinforced through the section 173 requirement.

It is also noted that the common driveway area servicing lots 12, 13, 14 & 15, proposes a crossover close to an existing tree within the road reserve. It is considered that the alignment of this crossover can be altered to provide a balance between the two trees within the road reserve.

### **Conclusion**

On balance, it is considered that the proposed subdivision is consistent with the objectives of the Wangaratta Planning Scheme. Submissions to the application have raised concerns over drainage issues known within the surrounding area and the subject site, this issue was the topic of discussion at the conciliation meeting and Council's Technical Services Unit has provided no objection to the proposal subject to the inclusion of appropriate conditions to ensure that any stormwater discharge from the land is in line with the current on land situation.

The application was also referred to relevant external authorities, who have provided no objection to the proposal subject to the inclusion of conditions. It is therefore recommended that the application be supported and appropriate conditions applied to any permit.

### **Recommendation**

***That Council resolve to issue a Notice of Decision to Grant a Planning Permit (NOD) with respect to Planning Application No. 13/092 for a Seventeen (17) Lot Staged Subdivision, Removal of an Easement and Creation of an Access to a Road Zone Category 1 (RDZ1) on land at 53 Old School Road, Waldara subject to the following conditions:***

1. ***Prior to 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 amended plans submitted on 26<sup>th</sup> August, 2013 and reference M1101 – Rev5 but modified to show:***
  - (a) ***Building Envelopes located on Lots 6, 9 and 10 are to be amended to clearly indicate the Tree Protection Zones (12 x DBH) as area excluded from any Buildings and Works.***
  - (b) ***Alteration of the crossover associated with the common accessway servicing Lots 12, 13, 14 and 15 to avoid any encroachment with the Tree Protection Zones (12xDBH) for the existing native vegetation along the Old School Road Reserve.***

- (c) *Design details associated with the accessway servicing Lots 1 and 2 which demonstrate that the accessway avoids the removal of native vegetation and any encroachment with the Tree Protection Zones (12xDBH) for the existing native vegetation along the Wangaratta-Yarrowonga Road.*
- (d) *Notation on the plans that the power pole located in the eastern corner of Lot 1, is to be located in agreement with the adjoining property owner to the south and that no native vegetation is to be removed as part of the installation of this service.*
2. *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.*
3. *The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the Responsible Authority.*
4. *Prior to the issue of a Statement of Compliance for the subdivision, all planning conditions and all other requirements of the responsible authority and the relevant referral authorities must be completed or satisfactorily provided for to the satisfaction of the Responsible Authority and the relevant referral authorities.*
5. *Prior to the issue of a Statement of Compliance, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 and confirmation of lodgement of the Agreement pursuant to Section 181 of the Act must be provided to the responsible authority. The Agreement must provide for the following:*

*Except with the prior written consent of the responsible authority;*

- a) *A rainwater tank having a minimum capacity of 22,500 litres must be installed on each lot within the subdivision, and will be, and will remain, connected to the roof of each and every building on that Lot;*
- b) *Each rainwater tank must incorporate a drawdown outlet, not more than 50mm in diameter, installed in a manner that ensures that a reserve capacity of at least 11,250 litres will be restored following drawdown, and no provision may be made to close or block this outlet; and*
- c) *The discharge from the drawdown outlet and the overflow pipe must be collected and conveyed by underground pipes or constructed channels to a legal point of discharge nominated by the Responsible Authority.*

- d) ***All buildings and Works must be constructed within the designated building envelopes as described on the plans endorsed as forming part of Planning Permit ref: 13/092.***
- e) ***The trees to be retained on Lots 6,9 and 10 must be appropriately fenced and protected to the satisfaction of the Responsible Authority and shall not be removed unless otherwise authorised in writing by the Responsible Authority.***

***The owner/operator under this permit must pay the full costs of the preparation, (and) execution and registration of the Section 173 Agreement.***

***6. The owner of the land must enter into an agreement with:***

- a) ***a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and***
- b) ***a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***

***7. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:***

- a) ***a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and***
- b) ***a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***

***8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***

9. ***All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.***
10. ***The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.***
11. ***All existing vegetation not shown on the endorsed plans for removal, must not be removed, destroyed or lopped without the written consent of the Responsible Authority.***
12. ***The applicant is to demonstrate on the design plans how access and construction works will avoid destruction or damage of any native vegetation by access roads, construction works, excavation, stockpiles, runoff, erosion or sedimentation. During construction works on the site, measures must be adopted to prevent any disturbance or damage to any of the remnant trees and remnant vegetation in the road reserve.***
13. ***Any remnant vegetation must be protected by an appropriate Tree Retention Zone (TRZ), free of parking, vehicle turning or other movements, stockpiles, chemical or material mixing and storage, digging, trenching, excavation, or any other disturbance, and marked with a physical barrier on site. The TRZ will have a radius from the tree of at least 12 DBH (diameter of the tree at breast height) (as per Australian Standards).***
14. ***The applicant must undertake, or cause to be undertaken, full construction of all new roads, shared paths and footpaths, drainage and related infrastructure. All the works must conform to plans and specifications prepared at the expense of the applicant by a qualified Engineer, and endorsed by the Responsible Authority prior to commencement of construction. Unless otherwise agreed in writing, the Authority will only approve plans and specifications which comply with the Infrastructure Design Manual [IDM], the Urban Stormwater: Best Practice Environmental Management Guidelines 2006, published by CSIRO, and all relevant permit conditions.***
15. ***All storm-water originating from or passing through the subject property must be collected and conveyed by constructed channels or by underground pipes to a retardation basin, and thence by underground pipes to a corresponding legal point of discharge identified by the Responsible Authority.***
16. ***Appropriate easements must be created in favour of the Rural City of Wangaratta to facilitate future maintenance of each retardation basin, and of the pipeline connecting each basin to a legal point of discharge.***

17. ***Where the applicant proposes that an active swale drain serve the purposes of a retardation basin while continuing to convey the specified inflow to a legal point of discharge, they must demonstrate to the satisfaction of the Responsible Authority that the material, structure and geometry of the drain will allow both outcomes to be achieved at the same time.***
18. ***The peak discharge from the fully developed site in a 100-year ARI event must be limited to a level that does not exceed the peak pre-development discharge in a 10-year ARI event.***
19. ***The drainage plans must incorporate measures to enhance the quality of water discharged from the site and protect downstream infrastructure and waterways by the application of water-sensitive urban design principles. All the works must be designed and constructed in accordance with Section 20 of the IDM, and to the satisfaction of the Responsible Authority.***
20. ***Before construction begins, detailed drainage plans with computations, covering the whole development, and with adequate provision for any necessary staging, must be prepared in accordance with Section 19 of the IDM, and submitted to and approved by the Responsible Authority.***
21. ***Prior to the issue of the Statement of Compliance for the first stage, unless permanent easements have already been created, temporary easements must be provided to ensure that Council has access to all drainage infrastructure which is essential to the operation of the first stage, but is located outside the boundaries of that stage.***
22. ***Prior to the issue of a Statement of Compliance for each stage, retardation basins, or swale drains serving the functions of such basins, must be protected from accidental damage by vehicles or machinery operating within the relevant Lot by, as a minimum, installing a post-and-wire fence along the easement boundary.***

#### **Crossovers and Private Access Ways - Stage 1**

23. ***All crossovers must be constructed in accordance with IDM Standard Drawing 260 (Fringe Urban Residential Entrance) and to the satisfaction of the Responsible Authority.***
24. ***The battle-axe drive proposed to serve Lots 1, 2 and 3 must have a carriageway at least 4m wide, and must be constructed, sealed (to the individual property boundaries) and drained to the satisfaction of the Responsible Authority.***
25. ***The applicant must construct a combined sealed crossover to provide access to Lots 4 and 5 from Old School Road.***



## **Crossovers and Private Access Ways - Stage 2**

- 26. All crossovers must be constructed in accordance with IDM Standard Drawing 260 (Fringe Urban Residential Entrance) and to the satisfaction of the Responsible Authority.**
- 27. The battle-axe drives proposed to serve Lots 6, 7, 8 and 9 and Lots 10, 11, 12 and 13 must each have carriageways at least 4m wide, and must be constructed, sealed (to the individual property boundaries) and drained to the satisfaction of the Responsible Authority. The applicant must construct a combined sealed crossover to provide access to each drive from Old School Road.**
- 28. The applicant must construct a combined sealed crossover to provide access to Lots 14 and 16 from Old School Road.**
- 29. The battle-axe drive proposed to serve Lot 15 must have a carriageway at least 3m wide, and be constructed, sealed (to the property boundary) and drained to the satisfaction of the Responsible Authority. The applicant must construct a sealed crossover to provide access to the drive from Old School Road.**
- 30. Unless superseded by more stringent requirements contained in these conditions, all those recommendations set out in the Traffic Impact Assessment Report prepared by TrafficWorks Pty Ltd (#120520 Rev 2 - dated 17 May 2013) shall be implemented at the earliest relevant stage of the development.**
- 31. A sealed shared path with a width of at least 2.5 metres must be designed and constructed along the entire road frontage of each stage of the development, in accordance with the requirements of IDM Clause 13.3 and to the satisfaction of the Responsible Authority.**
- 32. Prior to the issue of a Statement of Compliance for the first stage of the development, links must be established between the new shared path and the existing shared path network along Yarrowonga Road, in accordance with the recommendations in Section 5.4 of the Traffic Impact Assessment Report, and to the satisfaction of the Responsible Authority.**
- 33. Construction plans and specifications for each stage must be submitted to and approved by the Responsible Authority. The applicant must construct, or cause to be constructed, to the satisfaction of the Responsible Authority, any temporary works required to facilitate traffic movements after each stage has been completed.**
- 34. All construction plan approvals will lapse if the Planning Permit is extended.**

- 35. Before the works commence, a site management plan detailing the measures to be taken to control stormwater discharge and sedimentation on the site during the construction process must be submitted to, and approved by, the Responsible Authority.**
- 36. The applicant must ensure that all practicable measures are taken to maintain vehicle and machinery hygiene, and to avoid the spread of soil-borne pathogens and weed seeds.**
- 37. No excavated or construction materials may be placed or stored outside the site area or on the adjoining road reserves, except where the materials are required in connection with any road or footpath construction works in such reserves that are required as part of this permit.**
- 38. All infrastructure created by this development and passing into the ownership of Council must be maintained by the applicant for a period of 3 months after practical completion, and the applicant must thereafter accept liability for correcting defects that become evident during the following 9 months.**
- 39. For each stage, the applicant must provide the Responsible Authority with a maintenance bond equal to 5% of the civil construction costs (excluding GST) for all infrastructure items to be taken over by Council. This bond will be held by the Authority until any and all defects that have been notified to the applicant before or during the liability period have been made good to the satisfaction of the authority.**
- 40. For each stage, the applicant must pay to the Responsible Authority plan checking fees equal to 0.75% of the above civil construction costs (excluding GST) and site supervision fees equal to 2.5% of the above civil construction costs (excluding GST).**
- 41. All drains and batters, and all areas disturbed in the course of the works, must be topsoiled and seeded to establish grass cover. The reserve areas must be tidied, levelled and trimmed to a standard capable of being maintained by a small tractor and slasher.**
- 42. As-constructed drawings, in DWG or DXF format, for all civil construction works covered by the permit must be submitted to, and accepted by, the Responsible Authority. In addition, drainage data must be provided in D-SPEC format.**
- 43. Before undertaking any works on public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.**

**44. This permit will expire if one of the following circumstances applies:**

- a) Stage 1 of the plan of subdivision is not certified within two years of the date of this permit; or**
- b) The final stage of the plan of subdivision is not certified within five years of the date of this permit; or**
- c) The final stage of the plan of subdivision is not registered at Land Registration Services within five years of the certification of the final stage of the plan of subdivision.**

**North East Water Conditions**

- 45. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a formal agreement with NEW for the complete construction works necessary for the provision of reticulated water supply to each of the lots within the subdivision, at the owners cost, to the satisfaction of NEW and in accordance with its current policy and requirements.**
- 46. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into an agreement with NEW for the complete construction works necessary for the provision of reticulated sewerage services to each of the lots within the subdivision, at the owners cost, to the satisfaction of NEW and in accordance with its current policy and requirements.**
- 47. Prior to the issue of a Statement of Compliance the applicant must pay a new customer contribution determined in accordance with NEW's policy for development charges applicable to the water supply system currently servicing the area in which the subject land is located.**
- 48. Prior to the issue of a Statement of Compliance the applicant must pay a new customer contribution determined in accordance with NEW's policy for development charges applicable to sewers and disposal systems currently servicing the area in which the subject land is located.**
- 49. The applicant must create easements to the satisfaction of NEW, in favour of NEW, over all existing and proposed sewerage facilities within the proposed subdivision.**
- 50. The applicant must ensure that private water services do not traverse property boundaries and are independently supplied from a point of supply approved by NEW.**
- 51. The applicant must provide easements through other land, to the satisfaction of NEW, if such easements are considered necessary for the efficient and economic servicing of the subject land.**

- 52. That the applicant pays a head-works contribution determined in accordance with NEW's policy for development charges applicable from time to time towards NEW's sewers and disposal systems servicing the area to which the permit applies.**
- 53. NEW's consent must be sought by the Responsible Authority prior to issuing a Statement of Compliance under the Subdivision Act 1988.**
- 54. Where the subject land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.**
- 55. Where an easement created in favour of NEW is located within a proposed road reserve in a future stage, prior to the certification of the plan of subdivision for that stage, the applicant must formally remove the easement from the title to the land.**

### **SP Ausnet Conditions**

- 56. Enter in an agreement with SPI Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.**
- 57. Enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.**
- 58. Enter into an agreement with SPI Electricity Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.**
- 59. Provide easements satisfactory to SPI Electricity Pty Ltd for the purpose of "Power Line" in the favour of "SPI Electricity Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing SPI Electricity Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.**
- 60. Obtain for the use of SPI Electricity Pty Ltd and other easement required to service the lots.**
- 61. Adjust the position of any existing SPI Electricity Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.**
- 62. Set aside on the plan of subdivision Reserves for the use of SPI Electricity Pty Ltd for electric substations.**

- 63. Provide survey plans for any electric substations required by SPI Electricity Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30years. SPI Electricity Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.**
- 64. Provided to SPI Electricity Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.**
- 65. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by SPI Electricity Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.**
- 66. Ensure that all necessary auditing is completed to the satisfaction of SPI Electricity Pty Ltd to allow the new network assets to be safely connected to the distribution network.**

#### **CFA conditions**

- 67. Hydrants be installed for the subdivision to ensure coverage to all dwellings.**

#### **North East Catchment Management Authority (NECMA) conditions**

- 68. Prior to Certification of Plans for each stage of the Subdivision, detailed drainage plans should be provided to the responsible authority that demonstrate that storm water quality treatment requirements have been met.**
- 69. Ensure that the proposed WSUD treatment measures within lots (e.g. the proposed rainwater tanks) are installed and maintained effectively through a Section 173 Agreement.**
- 70. Prior to Statement of Compliance being issued, drainage works associated with the stage of subdivision should have the stormwater treatment measures constructed.**

#### **NECMA Permit Note:**

**Any works in, on or over the waterway to the west of the proposed lots 15 & 16 (such as landscaping, access crossings, stormwater outlets etc) will require a Works on Waterway Licence from the North East CMA, in accordance with Section 67 of the Water Act 1989, prior to any works commencing.**

### **Vic Roads Conditions**

- 71. Prior to the issue of certification the concept plan must be updated to a typical joint driveway to Lots 1 and 2 to the satisfaction of the Roads Corporation.**
- 72. Prior to the issue of statement of compliance of stage one the following must be completed to the satisfaction of and at no cost to the Roads Corporation:**
- a) The construction of a joint driveway to Lot 1 & Lot 2 generally in accordance with VicRoads Standard Drawing SD2066, including Driveable end walls.**
- 73. Prior to the issue of statement of compliance of stage two the following mitigating works to the Wangaratta-Yarrowonga Roads/Old School Road intersection, in accordance with the recommendations of the Transport Impact Assessment Report (prepared by Trafficworks reference 120520 dated 30/08/2012), must be completed to the satisfaction of and at no cost to the Roads Corporation:**
- a) Type BAL treatment, as described in Figure 8.2 of the Austroads Guide Part 4A;**
  - b) Type BAR treatment, as described in Figure 7.5 in the Austroads Guide to Road Design Part 4A; and**
  - c) The installation of street light opposite the Old School Road T-junction mounted on a frangible pole.**

### **Communication**

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

## **11.2.4 COMMUNITY WELLBEING**

Nil

## **11.2.5 INFRASTRUCTURE SERVICES**

### **11.2.5.1 OVENS RIVERSIDE PRECINCT**

Ovens River Faithfull Street Precinct (North Bank)

25.010.010

#### **Introduction**

This report is presented to Council to provide information on the Ovens Riverside Project.

The project originates from a community desire for Wangaratta to better utilise its unique frontage to the Ovens River and to create a space where people will meet.

#### **Background**

The project vision was to create an engaging and sustainable public space that both celebrates and revitalises the existing riverine landscape of Wangaratta by reorienting the City to face the Ovens River.

The Promenade and Riverside Square are attractive spaces built from high quality materials that reference the region and will be suited to a wide range of activities, events and entertainment.

#### **Issues**

The design of the Riverside Square and Promenade is bold, progressive and future focused, with an underpinning riverine theme. It has been designed as an active gathering place where people of all ages and backgrounds are able to meet, sit a while and enjoy views across the river and beyond.

Construction activities included:

- Protection of the riverbank from further erosion through a series of piles and retaining walls;
- Drainage improvements;
- Concreting of the promenade and square including special surface finishes;
- Installation of lights along the promenade;
- Construction of viewing and seating decks;
- Construction of a boardwalk; and
- Landscaping including street furniture, trees and grassed areas.

Additional works have been incorporated into the project:

- Shared path from the Stock Bridge to the Sydney Beach area including path lighting;
- Removal of the SP Ausnet power pole from Bickerton Plaza and from the opposite bank;
- LED lighting of the Sydney car parking area (works yet to be done);
- Lighting of the Suspension Bridge (works yet to be done);

- Construction of a shared path from the Suspension Bridge to the stock Bridge (works underway);
- Embankment works at Apex Park (works yet to be done); and
- Contribution to the removal of woody weeds along the Ovens River.

### Project Funding

Australian Government RDAF	\$2,462,000	(GST excl)
State Government of Victoria	\$715,000	(GST excl)
Rural City of Wangaratta	\$1,177,000	(GST excl)
<b>Total</b>	<b>\$4,354,000</b>	(GST excl)

### **Implications**

#### Council Plan Outcomes

2.4.1.12 Develop a program to bring the community together to enjoy public spaces, commencing with the Ovens Riverside Precinct.

#### Policies

Not applicable.

#### Sustainability

The Ovens Riverside project makes a valuable contribution to the cultural, social and economic wellbeing of the community. The revitalised precinct will be a catalyst for further economic investment in the precinct that will enrich our community.

Furthermore, the provision of new pathways that link the city to the showgrounds and sporting precincts will encourage healthy exercise to the wellbeing of our residents.

#### Community Engagement

The Ovens Riverside Precinct creates a vibrant and unique gathering place for locals and visitors alike and reconnects the city with the river.

### **Conclusion**

The Ovens Riverside Precinct has created a unique and exciting area that will bring our community together to enjoy Wangaratta's river town character. It will provide a catalyst for further development in the precinct and enhance the municipality's reputation for "the Ultimate in Liveability".

It is proposed to conduct the official opening for the precinct on Friday 1st November 2013.



**Recommendation:**

***That Council resolves to:***

- 1. receive and note the report; and***
- 2. confirm the project will be officially opened on Friday 1 November 2013.***

**Communication**

Details of the official opening will be promoted to ensure that the community has an opportunity to celebrate and mark the occasion that culminates the many years of effort in delivering this unique precinct.

**11.3 SPECIAL COMMITTEE REPORTS**

Nil

**11.4 ADVISORY COMMITTEE REPORTS**

Nil

**12. RECORDS OF ASSEMBLIES OF COUNCILLORS**

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

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

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

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

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

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

<b>Date</b>	<b>Meeting details</b>	<b>Refer</b>
17-09-2013	Prior to Ordinary Council Meeting	Attachment

**Recommendation:**

***That Council receive and note the reports of Assemblies of Councillors.***

**13. NOTICE OF MOTION**

**14. URGENT BUSINESS**

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

Nil

**16. PUBLIC QUESTION TIME**

Public Question Time

10.020.004

**17. CONFIDENTIAL BUSINESS**

**18. CLOSURE OF MEETING**