

WANGARATTA RURAL CITY COUNCIL



MINUTES OF BUSINESS PAPER FOR THE ORDINARY MEETING

OF THE WANGARATTA RURAL CITY COUNCIL, HELD

IN THE MILAWA HALL,

MILAWA

ON TUESDAY, 15 FEBRUARY 2011

COMMENCING AT 7.00PM

Doug Sharp
CHIEF EXECUTIVE OFFICER

As at 23/03/11 2:32 PM

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1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

2. **OPENING PRAYER**

3. **PRESENT**

Chairman: Councillor A Griffiths, Mayor
Councillor L McInerney, Councillor R Webb, Councillor L McCully, Councillor D McPhie, Councillor R Paino.

Officers Present:

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

4. **ABSENT**

Councillor R Parisotto.

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

Recommendation

(Moved: Councillor R Paino / Councillor L McCully)

That Councillor R Parisotto be granted leave of absence for the period 9 February 2011 to 9 March 2011.

Carried.

ORDER OF BUSINESS

6. **CITIZENSHIP CEREMONY**

The Australian Citizenship ceremony (when applicable).

7. **CONFIRMATION OF MINUTES**

Recommendation

(Moved: Councillor R Webb / Councillor L McCully)

That the Minutes of the Ordinary Meeting of 25 January 2011 be taken as read and confirmed as a true and accurate record of the proceedings of the meeting.

Carried.

8. CONFLICT OF INTEREST DISCLOSURE

Cr R Webb declared a conflict of interest in item 11.2.1.4 being a former member of the Jazz Festival Board and possible member of the new Festival Board.

9. RECEPTION OF PETITIONS

10. HEARING OF DEPUTATIONS

11. PRESENTATION OF REPORTS

11.1 COUNCILLOR'S REPORTS

11.2 OFFICER'S REPORTS

11.2.1 EXECUTIVE SERVICES

11.2.1.1 DIRECTORATE ACTIVITY REPORTS

Council Plan

20.030.001

Background

A report is provided on the organisation's activities for the period October 2010 - December 2010.

Issues

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

Directorate Activity Report for October 2010 - December 2010 attached (*refer attachment*).

Recommendation

(Moved: Councillor R Webb / Councillor L McInerney)

That Council receive the Directorate Activity Report for the reporting period 1 October 2010 – 30 December 2010.

Carried.

11.2.1.2 ECONOMIC IMPACT OF 2010 FLOODS

Wangaratta Unlimited Board

25.007.002

Background

In a report to the Board of Wangaratta Unlimited (Tuesday 1 February 2011), Business Wangaratta expressed concern at the perceived reduction in trade in the Wangaratta CBD over the January period. It is reported that the inundation of various camping grounds within the region has reduced the number of visitors over the period.

Issues

Council Officers also express their concern that State & Federal Government discussions are centred on the January flood events and that the previous two flood events in September and December have been largely dismissed.

Wangaratta Unlimited therefore recommends that Council make appropriate representations to relevant State and Federal Members of Parliament and the MAV to ensure appropriate flood recovery grants are directed to the North East Victoria region commensurate with our other flood impacted communities in North West Victoria and Queensland.

Recommendation

(Moved: Councillor R Paino / Councillor L McInerney)

That Council make appropriate representations to relevant Members of Parliament and the MAV to ensure appropriate flood recovery grants are directed to the North East Victoria region commensurate with our other flood impacted communities in North West Victoria and Queensland.

Carried.

11.2.1.3 COUNCIL PLAN – PROGRAM REPORT

Council Plan

20.030.001

Background

A report is provided on Council's performance against the Council Plan for the period October 2010 - December 2010. (***refer attachment***).

Highlights

- New Regional Tourism Board appointed
- The review of the Recreation Plan and the development of an Open Space Plan have commenced.
- The 2011 Season performances for the Wangaratta Performing Arts Centre was launched on 13 December 2010.
- An application for funding Stage 2 of the Children's Services Centre has been successful and the concept plan is in final draft.

- The Wangaratta Skate Park project has been completed and officially opened.
- The draft Aquatic Strategy has been placed on public display and further consultation with the community is occurring.
- Draft Roadside Conservation Management Plan completed and ready for community consultation.

Challenges

- The December 2010 flood event had an even greater impact upon Council's Assets than the earlier event in September. Council staff worked hard to ensure that roads and bridges were accessible for the Christmas period.
- A logo for the Wangaratta Art Gallery is being developed involving input from graphic designers.
- The future of the Wangaratta Community Foundation is still unresolved.
- Above average rainfall has made the task of managing roadside weeds much more difficult. The rain has contributed to excessive growth, resulted in a series of germinations and reduced opportunity for spraying activities.

Recommendation

(Moved: Councillor L McCully / Councillor R Webb)

That Council receive the Council Plan Progress Report for the reporting period 1 October 2010 – 31 December 2010.

Carried.

11.2.1.4 WANGARATTA FESTIVAL OF JAZZ BOARD

Jazz Festival

67.080.003

Introduction

The Rural City of Wangaratta is playing a leading role in the revitalisation of the Wangaratta Festival of Jazz to ensure its future.

In a meeting held on Tuesday 8 February 2011, the current Festival Board agreed to resign to allow for the appointment of a new council-appointed Board. The agreement came after the festival had struggled financially for the last two years following the loss of its major sponsor, TAC, to the point where the Board could no longer meet its commitments.

The internationally renowned festival has been run by a voluntary local committee for all of its 21 years and in many ways is a victim of its own success. As the festival has continued to grow, the demands in administration, finance and event management have climbed with it. The existing committee has done an exceptional job, but there was common agreement that the time had now come to move to the next stage.

The new council-appointed Board will operate as a short term measure, with a charter to establish an appropriate governance structure, provide a strategic approach to the development and operation of the festival and provide a financial plan and budget to enable the festival to operate on a sustainable basis.

As an essential element of the agreement, Council would be meeting all outstanding creditors and would also provide significant cash injection to enable the new interim Board to start from a debt free position.

Full details of the background that lead to this situation, the new interim Board, its charter and term, and financial implications for the Council will be provided in an addendum report to this meeting.

Recommendation

Subject to an addendum report.

The Chief Executive Officer distributed the following report at the meeting.

11.2.1.5 Wangaratta Festival of Jazz – Addendum Report

Jazz Festival

67.080.003

Background

The Wangaratta Festival of Jazz (WFOJ) has been operating for twenty-one years and is widely recognised as ‘Australia’s greatest jazz event’.

In 2000 it was inducted into the Victorian Tourism Hall of Fame and has enjoyed the sustained support of Arts Victoria and Tourism Victoria since its inception. The event’s existence was a key factor in the securing of State Government funding for the Wangaratta Performing Arts Centre.

An excerpt from the Wangaratta Festival of Jazz Business Plan 2009 – 2011 estimates that the Festival results in a direct injection of approximately \$2 million per annum locally. Applying Tourism Victoria’s multiplier of 2.7, the event is worth a conservative \$5.4 million to the Rural City of Wangaratta’s economy.

Furthermore, the contribution that the event has played to brand Wangaratta nationally and internationally cannot be understated. The Festival has been a major contributor in changing the public perception of Wangaratta from a ‘mill town’ to a provincial city renowned for its ‘liveability’ attributes.

Financial sustainability has been an ongoing challenge for the Festival Board. The biggest impact has been the loss in 2008 of the Transport Accident Commission sponsorship of \$80,000. The Festival has struggled to recover from this loss in the face of a challenging global economic climate and resultant highly competitive sponsorship environment.

The Festival has an average annual operating budget of between \$700,000 to \$800,000.

The Rural City of Wangaratta currently supports the Festival via:

Annual cash contribution:

- Sponsorship of Reid St Community Stage \$25,000
- Cash grant of \$30,000
- Contingency allocation of \$5,000.

In-kind contribution:

- In-kind works and venue hire to the value of \$15,000.
- Office accommodation (arrangement to cease in 2011 following transfer of Festival operations to Nolan Media).
- Support from the Wangaratta Visitors' Centre.
- Absorption of some costs by the Wangaratta Performing Arts Centre including operating as the box office.
- Representation on the Festival Board by Councillor with tourism portfolio
- Representation on the Festival Board and day to day support from the Tourism Development Manager.

Issues

The failure to secure a replacement major sponsor following the loss of the Traffic Accident Commission (TAC) placed increased pressure on the Festival. Furthermore, cumulative results from 2009 and 2010 have resulted in a total depletion of cash reserves.

Representatives of the Board met with Council officers in late January to advise that the Board could no longer meet current commitments. An assessment of the Board's financial position revealed that creditors outstanding were between \$55,000 and \$60,000 with insufficient funds available to pay them. This would grow to a deficit of \$124,000 by 30 June 2011 as other commitments fell due for the preparation of the 2011 Jazz Festival.

The welfare of creditors and the future of the Jazz Festival were at stake.

The situation was discussed at the recent Councillors workshop whereupon it was agreed that the Jazz Festival was too important for Wangaratta to let die. A rescue package would be prepared involving Council to inject immediate funds into meeting current and future debts to 30 June 2011 overseen and managed by a new Council appointed Board for an interim period. The proposition was put to the existing Board who agreed to resign to allow this process to take place.

Interim Board Charter

It is proposed that an interim Board be appointed for a period of 12 months with the following objectives:

1. Establish an appropriate governance structure and operational model for the Board.

2. Establish a Business Plan that positions the Jazz Festival on a sustainable basis into the future.
3. Prepare a working budget for the 2011 Jazz Festival within existing funding constraints.
4. Ensure that the 2011 Jazz Festival operates on a basis that meets stakeholder and sponsor requirements.
5. Develop options on the strategic direction and future operation of the Jazz Festival for consideration by a future Board.
6. Call for Expressions of Interest to replace the Interim Board at the conclusion of the 12 month term of appointment.

Interim Board Appointments

The following people have agreed to accept appointment to the Interim Board.

Paul Carrick, Chair :

Chair of North East Catchment Authority;
Chair of the North East Regional Tourism Board.

Bruce Robertson :

Pharmacist; Proprietor of a number of pharmacies; State Vice President of the Pharmacy Guild of Australia; President Benalla Auto Club (Winton)

Heather Sarau :

Principal Wangaratta High School

Andrew Gehrig :

MBA, Mechanical Engineer, General Manager - Operations, Thales.

Mike Noble :

Lawyer; Director Garry Nash Real Estate.

Chris Green :

MBA, Strategic Management; Director SED Consulting

Matt Joyce

MBA, B.Bus (Law), Operations Manager Wangaratta Coachlines, Project Manager WCL Management Services

Ron Webb :

Former Regional Manager CFA, Councillor Rural City of Wangaratta.

Councillor Portfolio holder: Economic Development & Tourism.

Due Diligence Audit

A necessary element of re-establishing the Jazz Festival on a sustainable basis is to benchmark its current position. This is ascertained through due diligence audit conducted by a professional accounting firm. A due diligence audit would independently identify and quantify debtors, creditors, existing liabilities and

commitments so that the Interim Board has a verifiable understanding of the base from which it would be working.

Financial Implications

Clearly the process being undertaken will have financial implications for Council. The injection of funds of up to \$124,000 is unbudgeted. A budget review is being prepared that deals with this item together with other impacts such as the December floods for consideration by Council at a Special Meeting on Tuesday 22 February 2011.

Other Implications

The arrangements outlined must accord with the existing requirements, constraints and obligations of the incorporated association status of the Jazz Festival.

Recommendation

(Moved: Councillor L McInerney / Councillor D McPhie)

That Council endorse:

- a. the injection of funds into the Jazz Festival Board accounts to meet immediate creditors and to cover the estimated deficit of \$124,000 by 30 June 2011;***
- b. the establishment of an Interim Board for a period of 12 months with the following Charter:***
 - 1. Establish an appropriate governance structure and operational model for the Board.***
 - 2. Establish a Business Plan that positions the Jazz Festival on a sustainable basis into the future.***
 - 3. Prepare a working budget for the 2011 Jazz Festival within existing funding constraints.***
 - 4. Ensure that the 2011 Jazz Festival operates on a basis that meets stakeholder and sponsor requirements.***
 - 5. Develop options on the strategic direction and future operation of the Jazz Festival for consideration by a future Board.***
 - 6. Call for Expressions of Interest in support to replace the Interim Board at the conclusion of the 12 month term of appointment.***
 - 7. The Interim Board report regularly to the Chief Executive Officer of the Rural City of Wangaratta on its implementation of the Charter.***
- c. the appointments to the Interim Board as follows:***

***Paul Carrick, Chair
Bruce Robertson
Heather Sarau
Andrew Gehrig***

Mike Noble
Chris Green
Matt Joyce
Ron Webb
Councillor Portfolio holder, Economic Development & Tourism

- d. A Due Diligence audit be undertaken as soon as possible on the current position of the Jazz Festival**

Carried.

11.2.2 SUSTAINABILITY

11.2.2.1 PLANNING PERMIT APPLICATION NO. 10-193 – TWO (2) LOT SUBDIVISION (DWELLING EXCISION) AT 1193 WARBY RANGE ROAD, WANGARATTA SOUTH, 3678

Planning Permit Application

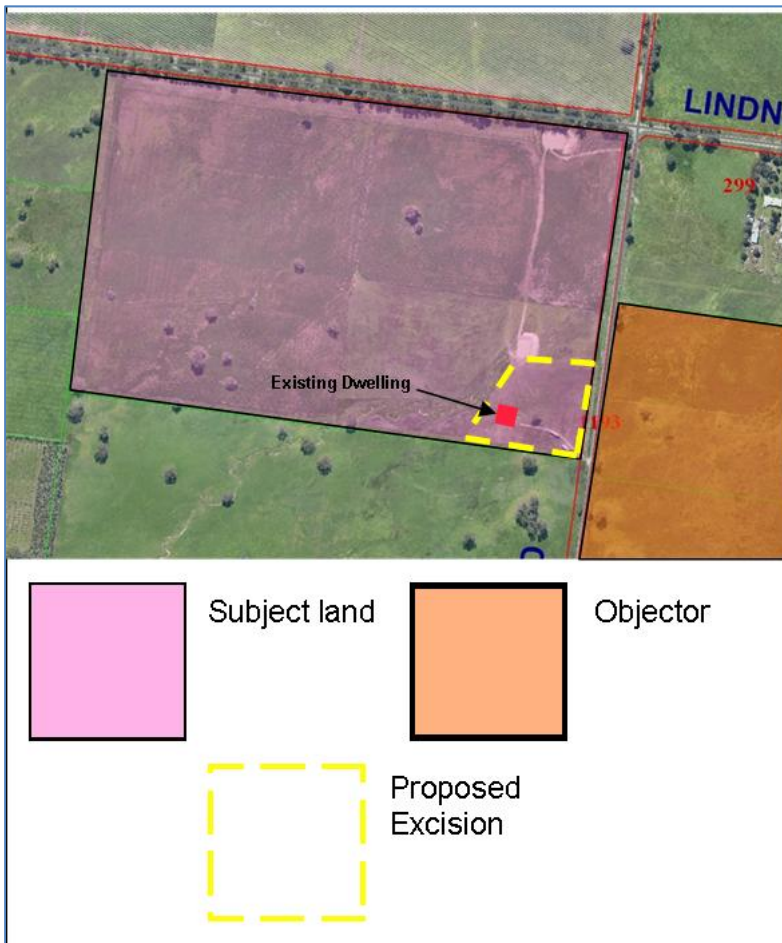
10-188

Introduction

This report deals with a permit application for a two lot subdivision in a Farming Zone on a 43 hectare lot. A recommendation is made to refuse the application. A discussion of the reasons for the recommendation to refuse to grant a permit follows in this report.

Background

Applicant: Oxley & Company
 Owner: Simon Verdon
 Address: 1193 Warby Range Road, Wangaratta South (Lot: 1 on PS: 617673)
 Zoning: Farming Zone
 Overlays: Nil
 Permit Trigger: Clause 35.07-3 Subdivision.
 Agricultural Versatility: High



The proposal is for a two (2) lot subdivision located at 1193 Warby Range Road, Wangaratta, to excise off an existing dwelling to create a lot of 2.465 ha with a balance lot of 40.53 ha.

The excised lot is to be created in the south east corner of the lot and is to be of an irregular shape to take account of existing fence lines.

Site and Surrounds

The subject site is to the south west side of the Warby Range Road-Lindner Road intersection approximately 7km west of the Wangaratta CBD. It is relatively flat draining to the eastern boundary into the two existing dams. The existing dwelling is situated in the south east corner of the block setback approximately 100m from Warby Range Road.

The land is currently used for agricultural grazing purposes and contains some scattered native trees. The driveway to the dwelling is off Warby Range Road and is to be fully contained within the new excised lot. The effluent disposal area is to be contained wholly within the proposed new lot and infrastructure connections can be extended to the remaining lot along Warby Range Road.

The surrounding landscape is generally grazing farmland with a number of dwellings on smaller lots along Walker Lane to the west.

Planning Considerations

The subject land is located within the Farming Zone. No overlays affect the subject site.

Under the Farming Zone, a planning permit is required for subdivision. Clause 35.07-3 sets a minimum lot size for subdivision of 40 ha but provides the following as a small lot option:

“The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided so as to create a smaller lot for an existing dwelling. The agreement must be registered on title.”

The following summarises the Planning Scheme requirements and decision guidelines applying to this proposal:

35.07 Farming Zone

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*

- *To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To protect and enhance natural resources and the biodiversity of the area.*

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

General Issues

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

Agricultural Issues

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

Environmental Issues

- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

Design and Siting Issues

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

State Planning Policy Framework (SPPF)

The following Clauses are relevant to this application:

11.05-3 Rural Productivity

Objectives:

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

11.05-4 Distinct and Diverse Regional Settlements

- *Ensuring that the potential of land that may be required for future urban expansion is not compromised.*

14.01-1 Protection of agricultural land

Objectives:

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

14.01-2 Sustainable Agricultural Land Use

Objectives:

- *To encourage sustainable agricultural land use.*

16.02-1 Rural Residential Development

Objectives:

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

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

21.05 Rural Land Use and Agriculture

Context:

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

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

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

Issues:

- *“...Subdivision and housing in rural areas can lead to difficulty in funding, provision and maintenance of services such as roads, electricity and water supply. Infrastructure may be required or be supplemented through contributions for rural subdivision and housing. Any rural subdivision and housing proposals must assess and provide infrastructure as required, including practical and legal access for service providers if needed.*
- *The subdivision of land for ‘house lot excision’ needs to protect and be closely linked with the continuing productive agricultural use of land, particularly in higher agricultural productivity and versatility areas. Any excision of land needs to maintain the agricultural land resource through minimising the parcel size of an existing house that is to be excised and maintaining a large vacant balance of land for agricultural purposes....”*

Strategic Directions:

- *“...Ensure that rural subdivision and housing is provided with a level of infrastructure that is required for that use or development*
- *Ensure that any subdivision of land for ‘house lot excision’ maintains the agricultural land resource by minimising the parcel size of an existing house that is to be excised and maintaining a large vacant balance of land for agricultural purposes...”*

22.01-2 Subdivision in Rural Areas**Objectives:**

- *“Ensure that land subdivision does not diminish the productive agricultural capacity of the land or general area, particularly in ‘high’ or ‘very high’ agricultural versatility areas.*
- *Ensure that any subdivision of land is for the rural or agricultural use and development of land, rather than for rural lifestyle lots or development.*
- *Ensure an adequate standard of infrastructure for rural land subdivision.”*

Exercising Discretion

- *“...Discourage house lot excisions in ‘high’ or ‘very high’ agricultural versatility areas and ensure that any excision of land in all other rural areas be linked to and required for the ongoing rural and agricultural use of the land.*
- *Discourage house lot excisions if the proposal can be otherwise met by the realignment of existing land titles.*
- *Discourage house lot excisions if the existing dwelling on the lot to be excised is required to maintain the ongoing agricultural production and rural use of the land”.*

Performance Measures

“...Any house lot excision provides:

- *A maximum area of 2 hectares for the lot with the existing house located on it, or if existing buildings and dwelling infrastructure covers a large area, as near as practicable to this area.*
- *A minimum area for the residual lot of at least the minimum subdivision size of the zone schedule applying to the land.*
- *A minimum setback of 30 metres from the dwelling on the land to be excised from any agricultural activity or rural industry on any adjoining land....”*

Consultation

Upon advertisement of the proposed development Council received one (1) written objection with one (1) signature prior to the advertising period closing. A conciliation meeting was proposed but not held as the objector was not available.

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

The objection received cited the following issues;

- *Issues relating to the proliferation of dwellings in the area, given the remainder of the site (over 40Ha) would allow for an ‘as of right dwelling’. The two similar sized blocks to the south may also be subject to this precedent allowing potentially 6 dwellings on these three lots instead of 3.*
- *The proliferation of houses in the area will be a blot on the landscape and will impact on water retention upstream of the objector’s property. The objector has largely native pastures and a strong biodiversity focus and believes that upstream development will diminish these flows reducing the biodiversity on his property.*
- *Issues that the excision is not in line with the farming zones objectives to retain the agricultural use of the land. This is increased by the fact that the dwelling is only recently constructed and not in keeping with the basic intention of the excision policy to allow retiring farmers to sell off their farm or house separately.*

Proliferation of Dwellings in the Area Issues

The objector had issues regarding the future development of dwellings on both the remaining larger lot (which will become an ‘as of use right’) and the potential dwelling construction on the two lots to the south. These two lots, being over 40 hectares in size currently has “as of use rights” to construct dwellings which will significantly increase the number of dwellings in the area. The subsequent excision of future dwellings on the two lots to the south may further increase the dwellings in the area with a potential 6 dwellings being placed on the three lots.

Objection supported – The proliferation of dwellings in the area is an issue within the Farming Zone.

The current density of development in the area has many dwellings on small lots particularly to the east and west of the subject site.

The subdivision and dwelling density of the application site and surrounds is still predominantly rural. To allow this excision may contribute to the fragmentation of land and create a pattern of land use similar to that to the east and west of the site which is contrary to the planning policy framework and zoning.

The current policy within the planning scheme allows for this form of subdivision subject to continuing productive agricultural uses on the land. This application has not substantiated any agricultural benefit proposed by this subdivision.

Water Retention Issues

The objector has issues relating to the possible diminishing of overland water flows onto his property due to future development of the land upstream. The main issues raised here are that seasonal flooding across his property encourages native pastures and increases the biodiversity of the area.

Objection not supported – The proposal does not involve any works at this stage and as such no change in the water flows are predicted.

Excision Not in Keeping with the Intention of the Policy

The objector believes that the policy on Excision is intended for retiring farmers to be able to excise their house and make better decisions about what to do with the remainder of the farm. The dwelling on the subject site for excision is a relatively new dwelling and the objector believes adequate justification and reasoning why the excision is required was not provided.

Objection supported – This application has not substantiated any agricultural benefit proposed by this subdivision.

Referrals

The application was referred to Councils Engineering department and they did not object to the proposal subject to standard conditions regarding access.

Consideration

Subdivision generally in the Farming zone is discouraged by the planning policy framework.

The agricultural versatility of the subject land is high.

The proposed excision is not consistent with the maximum 2 ha lot size for the excised lot as per the performance measures in Clause 22.01-2. The proposed lot layout is based on the fence lines and drains of the existing conditions. The lot size proposed takes account of an existing drainage line and to have the lot marginally larger to cater for this is not considered to be of such a scale as to

warrant amendment of the lot size to meet the 2 ha requirement as the policy provides some flexibility.

The excision of the dwelling can meet the specific requirements for effluent disposal, the balance lot being larger than the minimum lot size of 40 hectares and not contribute to loss of native vegetation.

There is little justification within the proposal for the enhancement of the agricultural production on the land as a result of this proposal. The removal of the dwelling from the existing farm lot would allow for the possible sale of the farm without the dwelling, maintaining the land at an agricultural value, however the “*as of right use*” of a new dwelling on the balance of the land could potentially remove further land from agricultural production.

This area is already characterised by scattered small lots with dwellings that has led to fragmentation of rural land, particularly to the east of the subject site. Allowing this proposal has the potential to further change the character of this area impacting not only on its current agricultural use but also having an impact on the ability in the long term to convert this land to a future residential growth corridor for urban Wangaratta.

The urban expansion planned for Wangaratta currently sets the eastern side of Warby Range Road as the boundary. This is a clear direction between land valued for future urban growth and that to be maintained in a farming zone and used for agricultural purposes.

On inspection of the land and surrounds the varying nature of uses between the eastern and western side of Warby Range Road is evident with farming uses being the predominant activity to the west.

State planning policy discourages subdivision of land that may compromise its long term use for urban expansion. It may be that the long term potential of this land provides for urban expansion but this issue has not been investigated to date by Council.

Implications

Council Plan Outcomes

The Council Plan has the objectives to ‘*plan for and provide infrastructure appropriate to the community’s needs*’ and to ‘*Ensure the amenity of public and built environments is attractive, safe and practice.*’

Conclusion

On balance, having regard to the application and supporting information and assessing this against the planning framework it is considered that the excision is not an appropriate subdivision as it will lead to fragmentation of farming land, has not demonstrated any agricultural benefit and may compromise the long term urban expansion of Wangaratta.

For these reasons a recommendation of refusal is offered.

Recommendation

(Moved: Councillor L McInerney / Councillor L McCully)

That Planning Permit Application No.10-193 for a two (2) lot subdivision (excision of existing dwelling) at 1193 Warby Range Road, Wangaratta South be refused on the following grounds:

- 1. The excision of the existing dwelling will contribute to the fragmentation of farming land contrary to the policy framework of the Planning Scheme.***
- 2. The subdivision does not demonstrate or provide any agricultural benefit in an area of high agricultural versatility.***
- 3. The subdivision may compromise the future urban expansion of Wangaratta for medium to long term residential development.***

Carried.

Communication

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

11.2.2.2 PLANNING PERMIT APPLICATION 10-210– USE OF SHOP AS OFFICE, DEVELOPMENT OF ADDITIONS AND ALTERATIONS TO BUILDING, USE OF BICKERTON STREET ROAD RESERVE AND VARIATION OF CAR PARKING REQUIREMENTS – 66-68 FAITHFULL STREET WANGARATTA

Planning Permit Application

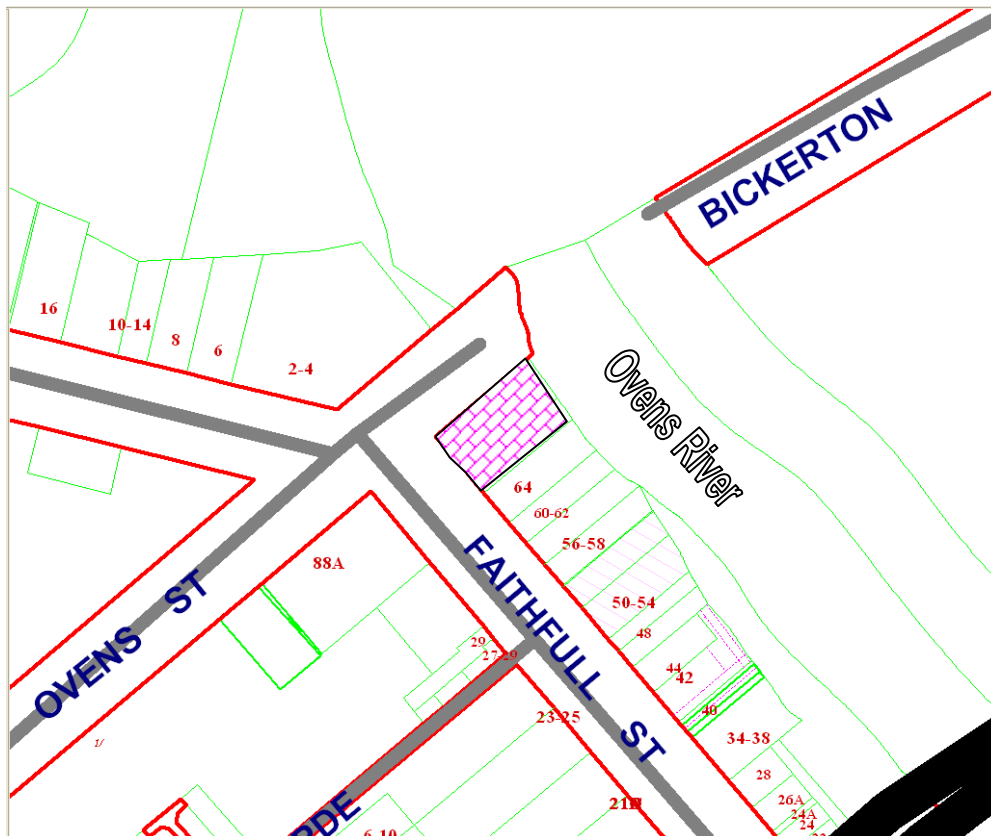
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Introduction

This report deals with a planning permit application for the change of use of an existing shop to an office, development of additions and alterations to the building, use and development of the Bickerton Street Road Reserve and the variation of car parking requirements at 62-68 Faithfull Street, Wangaratta. A recommendation is made to grant consent to the application.

Background

Applicant:	Ultimate Living Pty Ltd
Owner:	M. Lloyd
Subject Land:	66-68 Faithfull Street, Wangaratta
Zone:	Business 1 Zone
Overlays:	Design and Development Overlay and Land Subject to Inundation Overlay.



 Subject land

Proposal

The proposal is to use the building predominantly as an office, with a small restaurant (Section 1 use, no permit required) provided within the building overlooking the Ovens River and fronting to both the riverside and Bickerton Street, where an outdoor raised dining platform will be established.

The office component of the use requires a permit and will provide 626 m² of floor area.

Additions to the building will occur to enclose the current cantilever car parking area fronting Faithfull Street with the addition having an area of 120 square metres. The addition will provide an entrance to Faithfull Street with the facade of the building being largely windows with solid walls only at the corners of the building.

Alterations to the existing building include substantially replacing the walls of the existing building with windows so that much of the frontage to Bickerton Street and the river precinct will be glazed. The windows providing frontage to the river and to the outdoor dining area in Bickerton Street will be provided as bi-fold doors, giving the ability for the building to open up to the outdoor spaces.

Internally the restaurant will be located in the northern part of the building with toilets provided that can jointly service the restaurant and office.

The proposal does not provide any on site car parking, to the extent that it removes the 5 existing spaces.

The applicant is also seeking to “licence” a portion of Bickerton Street to provide for a raised deck area associated with the ground floor restaurant. The applicant is also allowing Council to acquire land between the subject land and the Ovens River and to allow for the future construction of a promenade along the river bank, which will link Parfitt Road to Bickerton Street and beyond.

The outdoor area is to have a retaining wall to the west and will be filled to give it a floor area to match that of the restaurant and provide stairs down to the riverside precinct.

The provision of car parking on the site for the use cannot be accommodated and the applicant has put forward a proposal to allocate an area for car parking remotely from the site at the rear of Video Easy at 16-18 Rowan Street. This car parking is accessed via Templeton Street, approximately 290 metres west of the application site.

This area is already used as a car parking area with spaces provided adjacent to the eastern fence line and joint access to the adjoining lot at 29 Templeton Street which uses this land to access its car parking spaces.

Site and Surrounds

The subject land is rectangular in shape and comprises two lots with a total area of 1109.59m². It is located at the intersection of Faithfull and Bickerton Streets with the rear of the property adjoining the Ovens River.

The building adjoins commercial development to the east along Faithfull Street comprising a mix of offices, shops and restaurants. On the southern side of Faithfull Street there are a number of large buildings used for offices dominating this part of the CBD. On the western side of Bickerton Street is the Sydney Hotel.

Planning Scheme Provisions

The subject land is located within the Business 1 Zone with a Design and Development Overlay and a Land Subject to Inundation Overlay applying.

Under the Business 1 Zone, a planning permit is required to use a building as an office where the frontage of the office is greater than 2 metres wide at ground level. In addition a permit is required to construct a building or construct or carry out works.

A restaurant is a Section 1, no permit required use.

Similarly Bickerton Street following planning convention is half zoned Business 1 (for the portion to be developed) and half zoned Mixed Use zone similar to the zoning of the Sydney Hotel.

The purpose of the Business 1 Zone is:

- *“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.”*

The subject land is located in the Design and Development Overlay.

The purpose of the Design and Development Overlay is:

- *“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development”.*

The schedule to the Design and Development Overlay provides further detail on the Wangaratta Planning Scheme requirements which are:

- *Ensure new buildings are constructed to a scale compatible with recommendations of the ‘Wangaratta Urban Design Framework, August 2002.’*
- *Integrate development with planned improvements in the public domain, including a public square, enhanced pedestrian/bicycle routes and an active river frontage.*
- *Provide effective pedestrian links between businesses, services and facilities.*
- *Capitalise on views across the Ovens River, King River, parks, public squares and public open space.*
- *Encourage activated edges to buildings that are situated along open space areas, public squares and pedestrian linkages.*
- *Ensure that buildings are constructed to a high standard with a strong emphasis on environmental sustainability and sensitivity.*
- *Achieve development that is accessible, safe and functional, including access for people with disabilities.*
- *Ensure that buildings and open spaces are designed to enable good solar access.*
- *Ensure that development contributes to activity, vitality, and a relaxed, comfortable year round atmosphere.*
- *Encourage active street frontages and pedestrian generating activities throughout the area.”*

Buildings and Works

New development must:

- *“Provide distinctive pedestrian/bicycle access and connections to existing pedestrian and bicycle paths in the public domain.*
- *Provide windows, decks, platforms, seating areas and/or viewing areas that provide viewing opportunities across the Ovens River, King River, parks, public squares and public open space when possible*
- *Provide active edges to buildings that are situated along open space areas, public squares and pedestrian linkages.*
- *Provide landscaping that:*

- *Integrates development with adjoining properties and provides an attractive environment that contributes to a relaxed, comfortable year round atmosphere.*
- *Focuses on the retention of existing local native vegetation and re-planting with species of a complementary nature.*
- *Capitalises on views across the Ovens River, King River, parks, public squares and public open space, where appropriate.*
- *Enable high levels of accessibility, including access for people with a disability.*
- *Create visual interest and enhance neighbourhood character by providing articulated building facades and highlighted building entries.*
- *Not exceed the heights, above natural ground level, listed in the following table (excluding elements such as tower features, aerials or other conventional roof-top fixtures):*

Precinct	Location	Development Type	Maximum Height
5 – Victoria Parade	South-eastern corner of Ovens Street and Faithfull Street	Mixed use	Double storey, 8.0 metres
	South-western corner of Faithfull Street and Victoria Parade	Mixed use	Double storey, 8.0 metres
	North-western side of Victoria Parade	Residential (medium density) and Mixed use	Three stories, 12 metres

The purpose of the Design and Development Overlay is to provide specific standards and guidance for new development. However, a planning “permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay, unless the schedule specifies otherwise”. The schedule does not preclude the granting of a permit.

The subject land is located in the Land Subject to Inundation Overlay. The purpose of the Land Subject to Inundation Overlay is:

- *“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).”*

The Land Subject to Inundation Overlay only applies to the northern part of the land adjoining the river. The overlay currently extends to cover part of the building and thus is a permit trigger for works.

State Planning Policy Framework

Of relevance are the following provisions:

15.12 – Energy Efficiency

“To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.”

Clause 17.01 – Activity Centres

“To encourage the concentration of major retail, commercial, administrative, entertainment and cultural developments into activity centres (including strip shopping centres) which provide a variety of land uses and are highly accessible to the community.”

Clause 17.02 – Business

“To encourage developments which meet community’s needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.”

Clause 19.03 – Design & Built Form

To achieve high quality urban design and architecture that:

- *“Reflects the particular characteristics, aspirations and cultural identity of the community.*
- *Enhances liveability, diversity, amenity and safety of the public realm.*
- *Promotes attractiveness of towns and cities within broader strategic contexts.”*

Local Planning Policy Framework

Of relevance are the following provisions:

Clause 21.06 – Urban Development and Central Activities Area (CAA)

- *“The Wangaratta Urban Design Framework 2002 sets directions for commercial, mixed use, residential, tourism, educational, urban design, building materials, street works, gateway approaches, recreation, landscaping and other land use and development in the Central Activities Area. The Master Plan and Structure Plan for the Ovens River/Faithfull Street Precinct 2001 also establishes key opportunities and priorities for the area.”*
- *“Opportunity to further develop commercial, residential, tourism, educational, civic and recreational uses and developments, and to apply a high standard of urban design, and street works in the area.”*

- *“Provide a highly attractive and unique riverfront precinct to complement the Wangaratta Central Activities Area and its environs, including the planning and construction of the Faithful Street precinct.”*

Clause 22.02-1 Wangaratta Central Activities Area Urban Design Framework, Apex Park and the Faithfull Street Precinct

The objectives of this clause are as follows:

*“Encourage a broad range of residential, retail, office, accommodation, entertainment and recreation uses, where relevant.
Encourage the redevelopment of land with alternative land uses by specifying preferred uses for particular sites and locations.”*

Design and built form:

- *“Capitalise on views across the Ovens River, King River, parklands and public spaces.*
- *Encourage activated edges to buildings that are situated along open space areas, public squares and pedestrian linkages.*
- *Ensure buildings are constructed to a high standard with a strong emphasis on environmental sustainability and sensitivity and access, including access for people with disabilities.*
- *Ensure buildings and open space areas are designed to enable solar access.*
- *Ensure development contributes to activity, vitality and a relaxed and comfortable year round atmosphere.”*

Clause 52.05 – Advertising Signage

Category 1 signage provisions apply to the subject land however; there are no signage proposals applicable to the site at this time.

Clause 52.06 – Car Parking

The purpose of the car parking clause is to ensure that sufficient parking allocations are made for each new development and the use activity generated from the development.

Such parking must be well designed in accordance with the relevant Australian Standards for off-street parking, promoting a high standard of urban design by way of screening car parking from the street in an attractive manner and creating safe and efficiently usable environment which avoids congestion of surrounding roads.

Clause 52.07 – Loading and Unloading

Clause 52.34 – Bicycle Transport

Clause 65.01 – Decision Guidelines

Other Planning Policies

There is no parking precinct plan incorporated into the Wangaratta Planning Scheme however Council has a Car Parking Contribution Policy which provides for *“a cash contribution to be charged in lieu of providing car spaces required pursuant to a planning permit shall be \$8,700.00. This is based on a land component of \$7,000.00 and a construction cost of \$1,700. This policy applies only to the Wangaratta Central Activities Area (CAA).”*

Referrals

North East Catchment Management Authority – No objection to the granting of a planning permit subject to conditions;

Council’s Technical Services Unit – Concerns were raised with regard to the loss of the current car parking on the site and that the proposal does not seek to provide any spaces on the land or a loading bay.

The Templeton Street proposal for off-site car parking is not considered appropriate due to it currently being used for car parking, its distance from the site and that over time the existing shop may need to upgrade its own car parking.

The development will require to upgrade the intersection of Faithfull Street and Ovens Street and replace kerbing where existing parking is provided. Bickerton Street road reserve will need to be licensed and arrangements provided for stormwater, footpath and streetscape works in association with the outdoor dining area. Such issues can be covered by conditions on permit.

Council’s Environment Unit - No objection to the granting of a planning permit subject to conditions;

Council’s Environmental Health Unit - No objection to the granting of a planning permit subject to conditions.

Consultation

Surrounding owners and occupiers were notified in accordance with Section 52 of the Planning and Environment Act 1987. No objections were received.

Consideration

It is considered that the proposal is generally consistent with the State and Local planning policy framework in that it:

- *it intensifies complementary uses and developments within the central business district;*
- *has been designed to provide a contemporary commercial building that will improve its streetscape and riverside facades;*
- *proposal responds to the Wangaratta Urban Design Framework 2002 and The Master Plan and Structure Plan for the Ovens River/Faithfull Street Precinct 2001*

The proposal is also consistent with the zoning of the land

The major issues for consideration is the lack of parking provided on site to cater for the use and development and the licensing and development of the outdoor dining area in the Bickerton Street road reserve.

Car Parking

It has been previously established through the last planning permit application to use and develop this site that a car parking credit of 17 spaces is applicable based on the existing floor area.

This credit is based on the building having a floor area of 780 square metres and a car parking requirement under the Schedule to Clause 52.06 of 23 spaces being based on 3 spaces per 100 square metres. To arrive at a 17 space credit the 6 spaces currently provided on the site, 5 at the front and 1 to the side have been removed.

This application proposes to remove those existing 6 spaces and also to create an additional floor area of 120 square metres which requires 4 spaces to be provided.

The car parking need to be met by this application is 10 spaces.

Direction from the planning scheme in relation to the waiving or reducing of car parking spaces directs that consideration be given to availability of car parking in the locality, availability of public transport, reduction in spaces for multi use or sharing arrangements, credits for existing uses, any car parking surplus or deficiency and local amenity including pedestrian amenity.

This site is within the Central Activities Area (CAA) and there is car parking provided both on street, on public land (Apex park and creek side reserves) and in association with surrounding commercial uses.

It is also evident that car parking within the CAA is well utilised, with demand for spaces on the street being strong and spaces generally during business hours fully occupied.

Public transport via a bus service is provided.

The use proposed will change the demand for car parking from most of it being short term demand for people accessing this shop other than staff, to largely a demand for long term parking in association with an office use.

Council needs to consider how the shortfall of 10 spaces can best be met. Options available are:

- *Deny the proposal as no car parking is to be provided in association with the proposal;*
- *Accept the applicants' remote car parking provision in Templeton Street.*
- *Require payment for the spaces in accordance with Council's adopted car parking policy at the rate of \$8,700 per space (10 = \$87000)*

- *Further waive the car parking requirements*
- *Apply a combination of these options other than the refusal.*

In determining the most suitable approach regard should be given to how the development responds to the planning policy framework, in particular the policy direction for the CAA and the Ovens River precinct.

Bearing in mind the advice from Technical Services that the Templeton Street car parking proposal will not provide a net increase of 10 spaces as the area is currently informally used this way and that the development will create a demand for parking closer to the site than that proposed, it is considered that the applicant's proposed solution has little merit.

It is not considered appropriate to further waive or reduce the car parking requirements due to the change of use provided. Whilst no detail on the actual occupant of the building is provided, it is proposed to largely be an office which will generate a greater demand on all day or long term car parking spaces than that of its current but vacant use of a shop. Car parking in the locality is generally well occupied with little room for the proposed use to be easily absorbed within the public domain.

Provision of a contribution towards car parking at the rate of \$8700 per space provides an opportunity for parking to be provided within the general area of the development in a number of ways including review of on-street parking arrangements, provision of parking in Apex Park or as a contribution towards a multi-deck parking solution being investigated by Council.

It is considered that the car parking contribution, required through the provision of a Section 173 agreement may provide the best long term solution for the development of this site and the provision of parking in the CAA.

Design and Development

The overall design of the building is considered to be a positive outcome to regenerate what appears to be a tired shopfront with industrial appearance to the rear. Glazing and new entrances including the addition to extend the floor area to a zero setback to the footpath in Faithfull Street will improve the appearance of the Faithfull Street streetscape.

A restaurant in the north-west corner of the building utilising the river and road reserve frontages also provides a good design outcome which is complementary and consistent with the Ovens Riverside Precinct and Masterplan.

The swap of the rear portion of the site to the promenade and the licensing of the Bickerton Street road reserve for outdoor dining will enhance the promenade and outdoor dining activity in this area. It is considered that the swap of areas provides a beneficial outcome to the site and to the community meeting the strategic objectives for this area of the CAA.

This application also gives an opportunity to consolidate the titles over which the current building is built, an administrative matter, but an opportunity which should

not be missed. Consolidation of the 2 titles will reflect its proposed use and development giving the lot an area of 1109.59 m2.

Implications

Council Plan Objectives

The Council plan has a strategy to “*apply quality land use planning policy that protects residential amenity and the environment while providing for economic growth*”

Conclusion

On balance it is considered that the redevelopment of this building, the development of the outdoor dining area, the use of the building for an office and provision of a contribution towards car parking would provide a good outcome for the site and the CAA.

Recommendation

(Moved: Councillor R Webb / Councillor D McPhie)

- 1. *Prior to commencement of the development hereby approved, the applicant must make provision for an additional 10 car parking spaces by either:***
 - (a) submitting amended plans to the satisfaction of the Responsible Authority showing 10 car parking spaces on the land (which plans, when endorsed, shall form part of this permit),or***
 - (b) provide 10 car parking spaces for use by the development on land in the vicinity (within 100 metres)of the subject land to the satisfaction of the Responsible Authority. The provision of car parking spaces on land in the vicinity of the development site must be provided for the exclusive use of the development, be signed or marked to that effect to the satisfaction of the Responsible Authority, be provided of a size and with associated access lanes in accordance with Australian Standard Road Manual Part 11-Parking.***

Such car parking provision off site will be subject to an agreement between the owner/applicant and the Responsible Authority under Section 173 of the Act that provides that these spaces:

- I. must be provided for the occupants of the approved development at 66-68 Faithfull Street, Wangaratta;***
- II. be constructed at the full cost of the owner/applicant;***
- III. that any redevelopment of the site which removes the 10 car parking spaces will require a payment to the Responsible Authority of an amount for each space lost or unavailable at the rate that applies at that time spaces; and***

- IV. the 10 car parking spaces provided in association with the use and development at 66-68 Faithfull Street is removed from any credit calculation associated with any redevelopment of the land upon which the car parking spaces are provided;**

Application must be made to the Registrar of Titles to register the Section 173 agreement on the title to 66-68 Faithfull Street and the land on which the car parking is provided in the vicinity under Section 181 of the Act. The owner/operator under this permit must pay the full costs of the preparation, (and) execution and registration of the section 173 agreement, or

- (c) paying to the Responsible Authority in lieu of the provision of car parking, the sum of \$87,000 which sum Council will hold and apply towards the construction of a public car parking facility (the location and timing of which being matters for the Responsible Authority)**
- 2. Before the use and/or development commences the owner of the land must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 to provide for the following:**
- (a) Apply for a subdivision permit for a 2 lot subdivision and consolidation to enable the rear portion of the land to be transferred to Council for development as part of the Ovens Riverside Promenade and consolidation of the remainder of the land within 12 months of the date of issue of the permit to the satisfaction of the Responsible Authority.**
- (b) Enter into a licence agreement with Council prior to the commencement of any works on the road reserve for the use and development of the Bickerton Street road reserve to facilitate the construction and use of a raised outdoor dining area in association with the restaurant and a loading bay.**

Application must be made to the Registrar of Titles to register the Section 173 agreement on the title to the land under Section 181 of the Act. The owner/operator under this permit must pay the full costs of the preparation, (and) execution and registration of the section 173 agreement.

The agreement will expire when all of the provisions of the agreement have been met.

- 3. The use and development must be in accordance with the endorsed plans and information submitted with and forming part of this permit and must not be altered without the prior written consent of the Responsible Authority.**

4. ***Prior to construction works commencing on site a site management plan that details control measures to be used for stormwater and silt management on the site during construction is to be submitted to and approved by the Responsible Authority.***
5. ***All surface and stormwater on the subject land shall be controlled, collected in underground pipes and drained to an approved outlet to the satisfaction of the Responsible Authority.***
6. ***The drainage system is to comply with the principles of Water Sensitive Urban Design and shall be in accordance with WSUD Engineering Procedures' published by Melbourne Water, 'Urban Stormwater Best Practice Environmental Management Guidelines', published by the CSIRO 1999 and Australian Standard AS3500.3 Stormwater Drainage, to the satisfaction of the Responsible Authority.***
7. ***No construction materials or earth is to be placed or stored outside the site area or on adjoining road reserves. This does not apply to road or footpath construction works on adjoining roads required as part of this permit.***
8. ***All works associated with this development are to be carried out in accordance with the 'Keeping Our Stormwater Clean – A Guide For Building Sites' publication.***
9. ***Appropriate steps must be taken to retain all silt and sediment on site during the construction phase in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.***
10. ***Care is to be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure is to be replaced by the applicant, at the applicant's cost to the specification and satisfaction of the Responsible Authority.***
11. ***Prior to commencement of the use footpath and streetscaping works as shown on the endorsed plan are to be constructed in accordance with plans and specifications approved by the Responsible Authority.***

Construction is to include the following works:

Faithfull Street

- ***The construction of the street scaping works shown on the endorsed plans for this development***
- ***The indented parking/access area to the existing building is to be removed***
- ***The existing kerbing at the north eastern corner of Faithfull & Bickerton Streets roundabout/channelisation is to be extended in a south easterly direction to the proposed new entrance to the subject development***

- ***The area created behind the new kerb line shall be constructed and finished to blend with the footpath/pedestrian works to be constructed as part of this development***

Bickerton Street

- ***The full construction of all footpath, paving and other street scaping works in the area (licenced from Council) as shown on the endorsed plans for this development***
12. ***Before the use commences, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show all signage to be used on the land, providing details of the size, colours and whether any are to be illuminated.***
 13. ***Advertising signs must not be constructed or displayed without the consent of the Responsible Authority, unless permitted as-of-right under the Wangaratta Planning Scheme.***
 14. ***The works detailed on the approved landscaping plans shall be completed to the satisfaction of the Responsible Authority prior to the use commencing. The landscaping must be maintained to the satisfaction of the Responsible Authority.***
 15. ***Provision must be made on the land for the storage and collection of garbage, recyclables and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.***
 16. ***The restaurant may operate as a licensed restaurant subject to obtaining all necessary licences to the satisfaction of the Responsible Authority.***
 17. ***This permit will expire if:***
 - (a) ***the development is not commenced within two years of the date of this permit;***
 - (b) ***the development is not completed within four years of the date of this permit.***

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

North East Catchment Management Authority's Conditions

18. ***Storm water from the site must go into the existing stormwater infrastructure. The applicant must upgrade the current stormwater***

infrastructure to accord with current best practice guidelines, particularly the outlet to the adjacent Ovens River, to the satisfaction of the Responsible Authority.

19. ***If a new stormwater outlet is proposed to the Ovens River, an additional “Works on Waterways” Permit will be required from the North East CMA in accordance with the Water Act bylaws. The applicant will be required to ensure that stormwater is treated in accordance with current best practice, prior to discharge and to comply with all statutory requirements.***
20. ***Prior to any works commencing on the site, as the proposed works are in close proximity to the Ovens River, a site Environmental Management Plan (EMP) must be prepared to the satisfaction of the North East CMA. This EMP must demonstrate that there will be no risk of impacts to the Ovens River during construction and operation of the new development.***

Carried.

Communication

That the applicant be advised of Council’s decision.

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

10-188

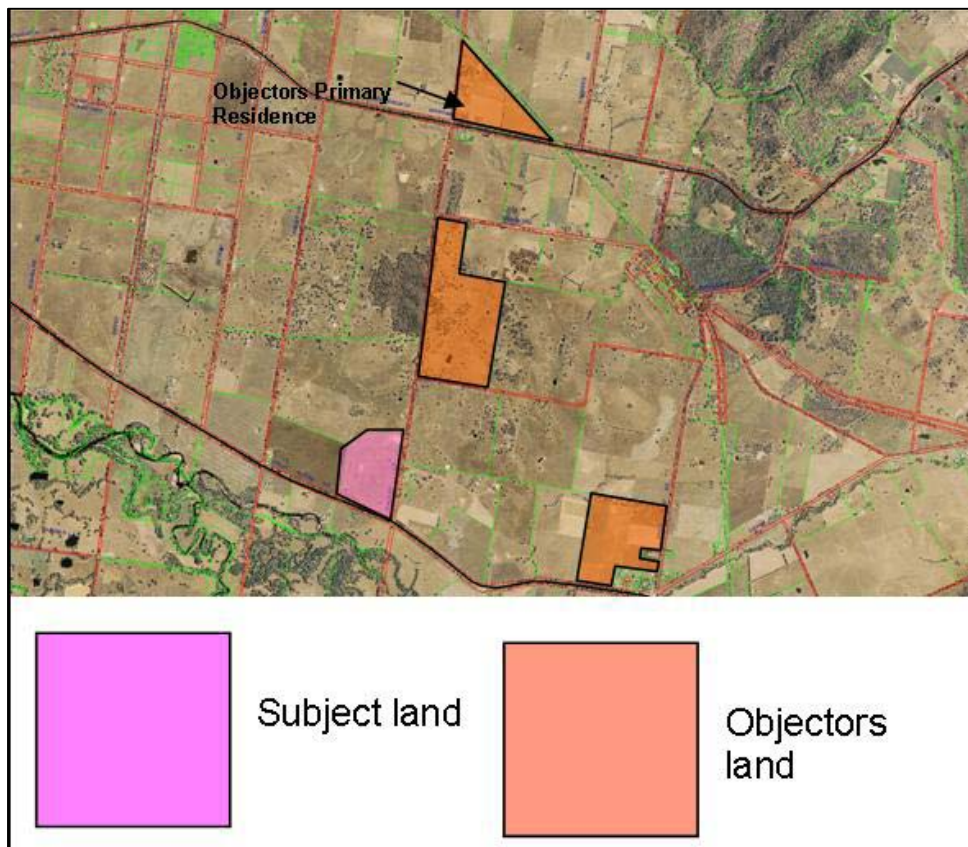
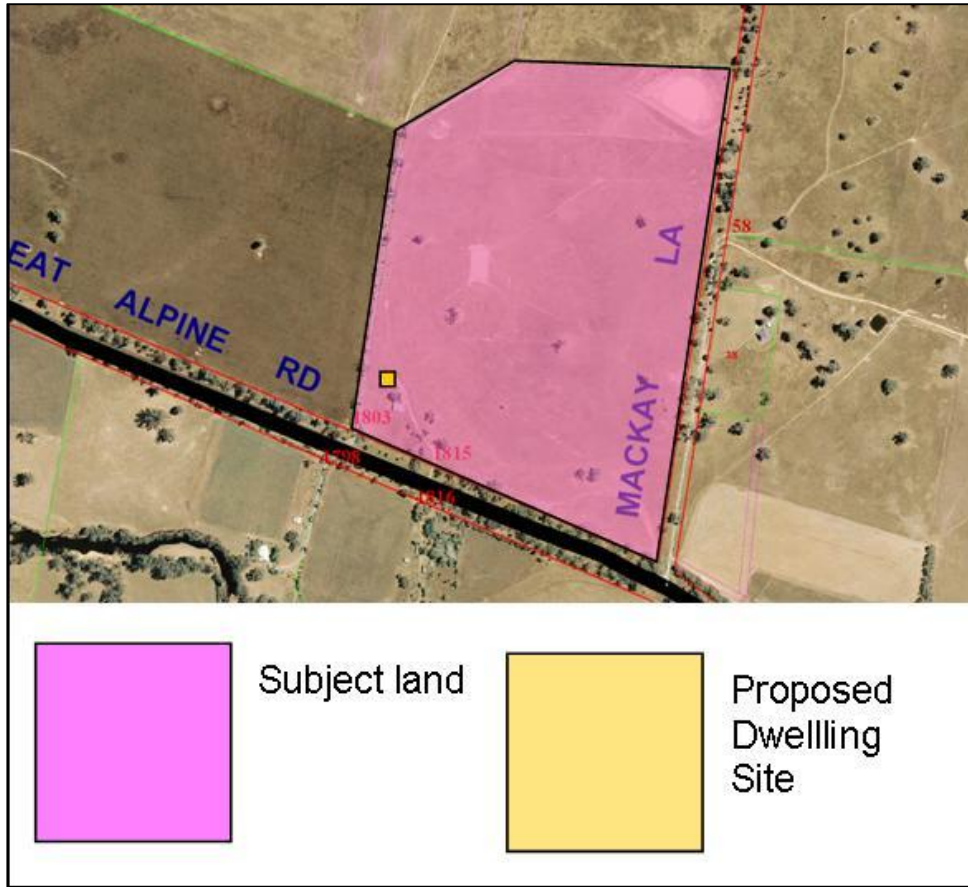
Introduction

This item was presented to the Council Meeting of 25 January 2011 and deferred to enable consideration of further information.

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

Background

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



Proposal

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

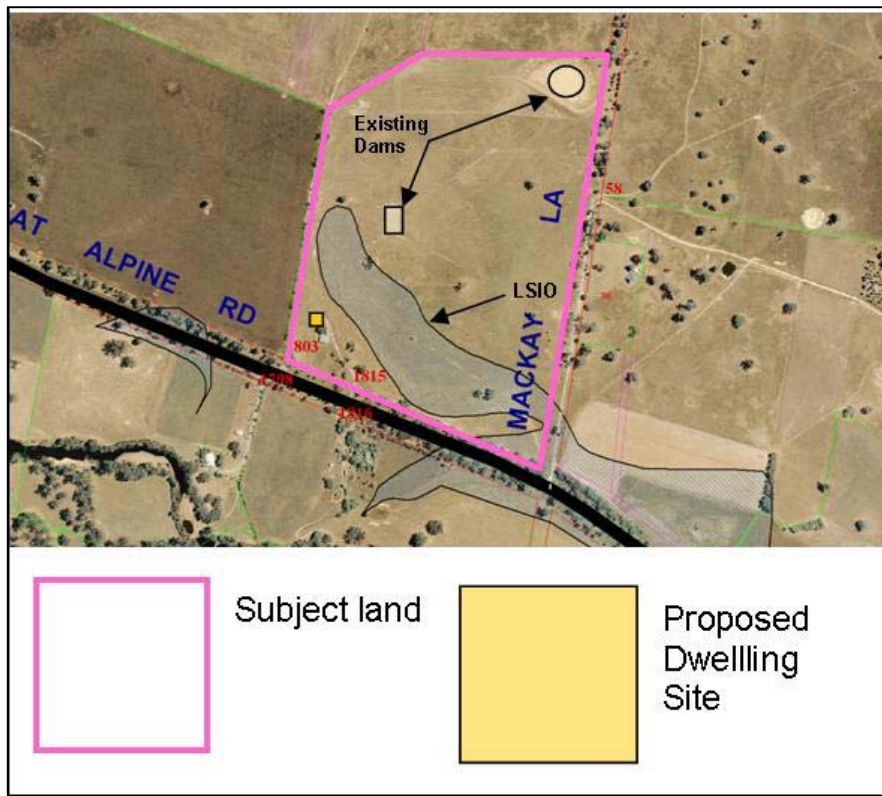
The dwelling is proposed to be situated in the south west corner of the block setback approximately 100m from the Great Alpine Road behind the existing shearing shed, cattle yards and proposed machinery shed.

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

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

Site and Surrounds

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



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

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

Planning Considerations

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

In the Farming Zone, a planning permit is required to construct and use a dwelling on a lot under 40 Hectares. The subject site is approximately 35.8ha being under this 40ha threshold. A planning permit is also required to undertake a

Rural Industry defined as *'Land used to: handle, treat, process, or pack agricultural produce.'*

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

35.07 Farming Zone

Purpose:

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

A lot used for a dwelling must have:

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

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

General Issues

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

Agricultural Issues

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

Dwelling Issues

- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*

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

Environmental Issues

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

Design and Siting Issues

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

State Planning Policy Framework (SPPF)

11.05-3 Rural productivity

Objectives:

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

14.01-1 Protection of agricultural land

Objectives:

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

14.01-2 Sustainable agricultural land use

Objectives:

- *To encourage sustainable agricultural land use.*

16.02-1 Rural residential development

Objectives:

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

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

21.05 Rural Land Use and Agriculture

Context:

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

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

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

22.01-1 Housing and Sheds in Rural Areas**Objectives:**

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

Consultation

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

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

The objection received cited the following issues;

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

Flooding Issues

Objectors Concern: Concerned that the land is ‘Subject to Flooding’

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

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

Site Area Issues – 40Ha Minimum

Objectors Concern The objector states that the application ‘*does not meet minimum 40Ha Planning Scheme*’.

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

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

Commercial Access onto the Great Alpine Road

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

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

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

Commercial Viability of Farming Enterprise

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

Applicant Response: The applicant has provided comments that the farm plan was prepared in consultation with the Dorper Sheep Society of Australia Inc and the Clancy’s Choice is an existing profitable business. It is also noted that the proposal does not take into account the 5 acres of Cabernet Grape Vines along

the northern boundary of the site which this year will not be harvested due to lack of demand. In the future this may change if demand increases and further labour is available and these vines may increase the productivity and profitability of the property.

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

Assessment

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

Agriculture:

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

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

Dwelling:

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

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

- the possible proliferation of dwellings in the area.

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

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

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

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

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

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

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

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

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

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

Siting and Design:

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

Referrals:

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

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

Implications

Council Plan Outcomes

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

Recommendation

(Moved: Councillor L McCully / Councillor L McInerney)

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

Rural City of Wangaratta's Conditions

- 1. Before the development commences, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale***

with dimensions and three copies must be provided. The plans must show elevation and floor plans of the proposed dwelling.

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

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

VicRoads Conditions

- 9. Only one access will be permitted to the subject land from the Great Alpine Road. This access shall be located at the existing access.***
- 10. Prior to the development coming into use, the applicant shall upgrade and seal the access in accordance with the layout for Typical Rural Driveway access as shown on the attached drawing No.658186.***

- 11. *The proposed dwelling shall have a minimum building setback of 20 metres from the Great Alpine Road reserve boundary.***
- 12. *Construction activities within the arterial road reserve shall be performed in accordance with the VicRoads' Standard Specifications for Roadwork. Traffic Management shall be conducted in accordance with a traffic management plan prepared in accordance with the Road Safety Act and Road Management Act Code of Practice for Worksite Safety-Traffic Management.***
- 13. *All works associated with the above requirements are to be completed at no cost to VicRoads and the road reserve must be left in a neat and tidy condition.***

Carried.

11.2.3 COMMUNITY WELLBEING

11.2.3.1 DROUGHT RESPONSE COMMITTEE

Drought

77.030.001

Background

The Drought Response Committee met on 14 December 2010. The minutes of this meeting are attached (**refer attachment**).

Issues

The following issues were discussed:

- Council's Revised 2010/11 Budget process included an allocation of \$10,000 funding for emergency response projects.
- The Committee provided suggested changes to the Community Support Information Sheet that will be provided to the community to assist with coping and adapting to the impacts of a crisis.
- The Committee recommended that Council write to the relevant current State Government Minister in regards to the continuation of the Municipal Rate Subsidy and that a copy be sent to the local members Bill Sykes and Tim McCurdy. This matter is the subject of a later report in this agenda.
- Goulburn Murray Water representative reported extensive damage to rivers, creeks and irrigation infrastructure from recent flood events.
- Department of Primary Industries reported extensive damage to crops from locust and recent weather conditions.
- Victorian Farmers Federation reported that land owners need to be cautious of poisonous weeds with summer growth.
- The National Resources Advisory Council undertook on site farm meetings including one at Boorhaman for the EC Status review.

Community Engagement

The Drought Response Committee includes representation from a range of community agencies, primary producer organisations and government departments who have links to, and an interest in, the rural community. A number of committed community members also attend.

Recommendation

(Moved: Councillor D McPhie/ Councillor R Paino)

That this report be noted.

Carried.

11.2.3.2 DROUGHT RESPONSE COMMITTEE RECOMMENDATIONS

Drought

77. 030. 001

Background

The Drought Response Committee met on 14 December 2010. The minutes are the subject of a separate report in this agenda.

The Drought Response Committee made a recommendation to Council at the Council Meeting on 17 August 2010:

“That in support of the outcomes of the Drought Response Committee meeting, Council write to the Minister for Agriculture:

- 1. Requesting that the Municipal Rate Subsidy be continued while the Exceptional Circumstances Declaration is in place; and***
- 2. Commending the success of the Rural Skills Connect program relative to the small amount of funding required.***

This letter was provided by Council on the 31 August 2010 however no reply from the Agricultural Ministry has been received to date.

Issues

Concern has been expressed by the Drought Response Committee that the request provided to the previous Victorian Minister for Agriculture may not have been effective due to the change in State Government in November 2010. The Drought Response Committee, at the 14 December 2010 Committee meeting moved:

“That Council write to the relevant Minister in regards to the continuation of the Municipal Rate Subsidy and send a copy to the local members Mr Bill Sykes and Mr Tim McCurdy”.

Community Engagement

The Drought Response Committee includes representation from a range of community agencies, primary producer organisations and government departments who have links to, and an interest in, the rural community. A number of committed community members also attend.

Implications

Council Plan Outcomes

The Council Plan has an action “to continue to review and implement Council’s Drought Response Strategy”. While an EC Declaration remains in place, the municipality is recognised as being in drought.

Recommendation

(Moved: Councillor D McPhie / Councillor L McCully)

- 1. That in support of the outcomes of the Drought Response Committee meeting, Council write to the Minister for Agriculture requesting that the Municipal Rate Subsidy be continued while the Exceptional Circumstances Declaration is in place; and**
- 2. A copy of the letter is provided to local members Mr Bill Sykes and Mr Tim McCurdy.**

Carried.

Communication

The Drought Response Committee will be advised of Council's decision.

11.2.3.3 COMMUNITY PRIDE ADVISORY COMMITTEE - VOLUNTEER'S EXPO

Community Pride Advisory Committee

71.020.005

Background

The Community Pride Advisory Committee is an Advisory Committee of Council established to foster community spirit and involvement in the beautification and sustainability of the natural and built environment in the Rural City of Wangaratta.

At the Community Pride Committee meeting held on 15 November 2010 a recommendation was made to Council.

“That the Community Pride Advisory Committee (CPAC) organise and facilitate a Volunteer’s Expo for volunteers and groups that come under the CPAC vision and that the Expo be held during National Volunteers Week 2011 on Friday 13 May”.

The Volunteer’s Expo will provide an opportunity for the volunteers in our community to access information, promote their organisations and receive recognition for their volunteering efforts. A survey of relevant committees was previously carried out by CPAC which resulted in a positive opinion that is a Volunteer’s Expo would be beneficial to committees and volunteers.

The following groups have expressed their interest in participating in the Volunteer’s Expo and more are expected once the event is widely promoted:

Wangaratta Garden Club	Wangaratta Sustainability Network
Carboor/Bobinawarrah Landcare	Carboor Soldiers memorial Hall & Recreation Reserve Committee
Oxley Recreation Reserve Committee	Peechelba district Community Development Group
Edi Hall & recreation Reserve Committee	Springhurst / Byawatha Hills Landcare
Oxley residents Association	Yarrunga Primary School

Issues

The proposed structure of the Volunteer's Expo is as follows:

To be held in St Pat's Hall, Ford Street Wangaratta where volunteer groups will be encouraged to have a display table showcasing their group and activities.

Three workshops are proposed to be held throughout the day on the subjects of governance, grants and strategic planning to assist committees with sustainability and effective functioning.

A light lunch and morning tea catered for by the Yarrunga Parents Club will be served with 'help yourself' to tea/coffee.

CPAC will set up the Hall, clean up and organise groups that are participating in the Expo and officiate throughout the day. Youth Council members will be supporting in some capacity throughout the day pending their availability.

Community SkillsBank is eager to be a part of the Volunteer's Expo and are able to provide facilitators for the three workshops and to provide assistance with registrations, collating of feedback sheets and other assistance that may be required.

Community Engagement

A survey of relevant committees was carried out by CPAC which resulted in a positive opinion that a Volunteer's Expo would be beneficial to committees and volunteers.

Implications

Estimated expenditure for the Volunteer's Expo is as follows:

Guest Speakers (small gifts of appreciation)	\$100
Catering (sandwiches, tea/coffee, fruit platter, biscuits)	\$850
Promotion/Publicity (Media notices)	\$500
Printing (Flyers)	\$300
Venue (St Pat's Hall)	\$400
Total Expenditure:	<u>\$2,150</u>

The funding to support the Volunteer's Expo is to be sourced from the Community Pride Advisory Committee 2010/11 budget allocation.

The CPAC consulted with Indigo Shire Council as they held a Volunteers Expo in October 2010 that was aimed at volunteers from all sectors. The Indigo Shire Expo cost approximately \$11,000 which was funded by a grant received from the Department of Planning & Community Development Volunteer Program. The Indigo Shire Expo commenced with an evening dinner featuring a key note speaker at a cost of \$5,000 and was followed the next day with workshops and volunteer group presentations with full catering provided. This Expo was promoted with a significant TV advertising campaign that amounted to \$2,000. This event was on a much larger scale than the one being proposed by CPAC.

CPAC has formed a sub-committee to drive the organisation of the Volunteer's Expo and therefore reduce the demand on Council Officers. This concept has provided the Committee with a purposeful event that will provide a benefit to the community and the volunteers that contribute their time and effort.

Council Plan Outcomes

This proposal is consistent with the Council Plan objective "*to improve community wellbeing by focusing on:*

Increasing the capacity of the community to be self-supporting and resilient;

Actively fostering community leadership

Providing a safe and fair place to live; and

Valuing and respecting the contribution of all sectors.

Community Outcomes

The continuation of support and recognition for volunteers and working in partnership with agencies such as Community SkillsBank & Yarrunga Parents Club maximises the outcomes for the community.

Financial Impact

Council allocates funding for Community Pride activities within its annual budget this proposal is able to be provided within that allocation.

Environmental Impact

The aims of the CPAC include a strong commitment to encouraging environmentally responsible attitudes and actions, enhancing the natural and built environment and nurturing community involvement.

Recommendation

(Moved: Councillor R Webb / Councillor L McInerney)

That Council endorse the Community Pride Advisory Committee's request to organise and facilitate a Volunteer's Expo for volunteers and groups to be held during National Volunteers Week 2011 on Friday 13 May.

Carried.

11.2.4 INFRASTRUCTURE SERVICES

11.3 SPECIAL COMMITTEE REPORTS

11.3.1.1 FRIENDS OF LACLUTA SPECIAL COMMITTEE

Lacluta East Timor Friendship

42.070.020

Background

The Friends of Lacluta Special Committee provides this report from the meeting held on 6 December 2010. A copy of the Minutes is attached. (**refer attachment**)

Issues

The following items were discussed by the Committee:

- Formation of a working group to seek permission to renovate a Community Centre in Lacluta and plan the proposed project with assistance from the Rotary Club of Appin Park.
- Committee funds of \$10,000 to be invested in a 6 month term deposit.
- Frequency of Special Committee Meetings and Community Committee Meetings.
- All Committee meetings to be held at the Uniting Church Hall meeting room.
- The Committee fundraised \$313 at the Open Sustainable Gardens event.
- Investigate options on how to best lift the profile of the Committee.
- Seek advice on how best to improve communications with Lacluta

Recommendation

(Moved: Councillor R Webb / Councillor D McPhie)

That this report be noted.

Carried.

11.4 ADVISORY COMMITTEE REPORTS

Recommendation

(Moved: Councillor R Paino / Councillor L McCully)

That reports 11.4.1.1 and 11.4.1.2 be noted.

Carried.

11.4.1.1 PLACE NAMING ADVISORY COMMITTEE

Place / Road Names - Place Naming Committee

73.020.014

Background

A meeting of the Place Naming Advisory Committee was held on Wednesday 12 January 2011. Minutes of the meeting are attached (***refer attachment***).

Items discussed

The following agenda items were discussed:

- Items being put forward to the January 2011 Council meeting.
- Advisory Committee Review
 - Feedback of Committee members collated for presentation to Council.
 - Motion to Council prepared amending 4.1.4 of the Charter in relation to the number of community members on the Committee.

Recommendation

That the report be noted.

11.4.1.2 WANGARATTA UNLIMITED ADVISORY BOARD (COMMITTEE) MEETING REPORT

Wangaratta Unlimited Board

25.007.002

Background

The Wangaratta Unlimited Advisory Board (Committee) held their monthly meeting on Tuesday 1 February 2011 with the following members in attendance: Michael Carlile; John Brown; Stephen Oxley; Greg Larkins; Barry Sullivan; Grant Jones; Helen Haines; Cr Anthony Griffiths; Cr Lisa McInerney; Doug Sharp; Graham Nickless; and Shivaun Brown. Apologies were received from Ken Butterworth, and Charles Halter.

There were no declarations of conflicts of interest.

The following items were discussed at the meeting:

- Economic Development Strategy
- Developing relationships with new State/Federal Governments
- King Valley Master Plan
- Murray Darling Basin Plan – Economic Impact Study
- Economic impact of flood events
- Champions of the Bush – The Spirit of Entrepreneurship Awards

Reports were received from the following committees or projects:

- Alpine Valleys Agrifood Supply Chain Strategy & Business Plan
- Wangaratta Water & Waste Water Advisory Committee
- Business Wangaratta
- Regional Executive Forum Overview

The following items from the meeting are reported to Councillor's for information.

Wangaratta Water and Waste Water Advisory Committee

North East Water are demonstrating their commitment to enhancing the water supply in the region via works commitments in Springhurst, Glenrowan, and Whitfield whilst planning has commenced for sewerage systems for Milawa, Oxley and Moyhu.

The committee will present to the North east Water Board regarding the priorities for Wangaratta on 22 February 2011.

Alpine Valleys Agrifood Initiative

The berry grower's supply chain continues to be progressed. Consultants McKinna et al will present a business case to the TAFCO Board to determine their role as the business entity to manage the supply chain consolidator/distributor process.

Economic Impact of the 2010/2011 Flood events

Business Wangaratta have communicated concern at the level of impact resulting from the September and December Flood Events. Camp ground inundation along the Murray, in particular at Bundalong has reduced the visitation numbers over this traditionally busy time.

Council Officers also expressed their concern that State & Federal Government discussions are centred on the January flood events and that the previous two flood events in September and December have been largely dismissed.

In response Wangaratta Unlimited made the following recommendation to Council, (subject to separate report to this meeting):

That Council make appropriate representations to relevant Members of Parliament (both State and Federal) and the MAV to ensure appropriate and equitable flood recovery grants are directed to the North East Victoria region commensurate with our other flood impacted communities in North West Victoria and Queensland.

King Valley Master Plan

The King Valley Master Plan is now underway with the first milestone on track for completion. A full review and desktop research phase is complete and a working party being assembled.

The project is due for completion in June.

Economic Development Strategy Review

The current strategy is due for review in 2011. The board gave consideration to the method of review and will use a half day workshop to perform this function within the next month to ensure specific actions can be considered for inclusion in the 2011/12 Council Plan.

Recommendation

That the Report be noted.

12. RECORDS OF ASSEMBLIES OF COUNCILLORS

10.020.020

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

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

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

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

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

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

Date	Meeting Details	Refer
14/12/10	Drought Response Committee Meeting	11.2.3.1
12/01/11	Place Naming Advisory Committee	11.4.1.1
25/01/11	Pre Council Meeting	Attachment
01/02/11	Wangaratta Unlimited Advisory Board	11.4.1.2

Recommendation

(Moved: Councillor L McCully / Councillor L McInerney)

That Council receive the reports of Assemblies of Councillors.

Carried.

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

Authorisation of Signing & Sealing of Documents

50.010.004

16. PUBLIC QUESTION TIME

Public Question Time

10.020.004

Mr John Brown, Milawa

Mr Brown expressed the need to recognise what Council has done in Milawa. A draft community plan has been developed, Milawa Markwood Development Association established and has been incorporated and holds \$5000 provided by Council. Opportunity to take into account what the Milawa neighbourhood residents need.

Mr Kieran Klemm, Londrigan

Mr Klemm asked the following questions in relation to the Rural Lands Study:
Has there been an interim report?
Is there a report ready?
Why are there numerous rumours circulated?

Mr Doug Sharp, Chief Executive Officer advised that several versions of the Land Study had been developed and will be considered by Council within the next two months (April Council meeting).

Mr Arthur Bennett, Everton

Mr Bennett asked how the road maintenance program going?

Mr Andrew Close, Director Infrastructure advised that the first priority will be to make roads trafficable, also preparing packages of flood reconstruction works to go to tender – volume of works too large for Council.

Mr Doug Sharp, Chief Executive Officer advised that Council will use contractors not day labour for recovery work.

Ms Cheryl Dunn

Ms Dunn said Thank you to Councillors for considering material submitted.

Ms Claire Ferguson, Milawa

Ms Ferguson asked if there will be any toilets placed in Milawa?

Mr Doug Sharp, Chief Executive Officer advised that a toilet facility may be considered as part of the community plan.

Mr Malcom Aldridge, Springhurst

Mr Aldridge asked if the development in Bickerton Street will prevent the stock bridge being reopened?

Mr Doug Sharp, Chief Executive Officer advised that a recent study showed the bridge at Bickerton Street was not warranted.

Mr Malcolm Carson

Mr Carson asked if the Rural City of Wangaratta would acknowledge achievements of Doug Sunderland?

Mr Doug Sharp, Chief Executive Officer advised that recognition will be further considered.

17. CONFIDENTIAL BUSINESS

18. CLOSURE OF MEETING

The meeting closed at 8.05pm.