

Minutes

Of the Special Council Meeting

Location: Council Chambers, Municipal Offices
62-68 Ovens Street, Wangaratta

Date: 22 March 2016

Time: 6pm



RURAL CITY OF
WANGARATTA

Brendan McGrath
Chief Executive Officer

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1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

2. OPENING PRAYER

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

3. PRESENT

ADMINISTRATORS:

MRS ALISA FOX, CHAIR, MS IRENE GRAN - ADMINISTRATOR, MR ROD ROSCHOLLER - ADMINISTRATOR

OFFICERS:

BRENDAN MCGRATH, CHIEF EXECUTIVE OFFICER, RUTH KNEEBONE , DIRECTOR CORPORATE SERVICES, ALAN CLARK, DIRECTOR INFRASTRUCTURE SERVICES, JAIME CARROLL , DIRECTOR COMMUNITY WELLBEING, BARRY GREEN, DIRECTOR DEVELOPMENT SERVICES

4. ABSENT

ADMINISTRATORS:

OFFICERS:

5. ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE

ORDER OF BUSINESS

6. CONFLICT OF INTEREST DISCLOSURE

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

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

PRESENTATION OF REPORTS

ADMINISTRATOR A FOX - LIONS CLUB

Administrator Fox thanked the Lions Club for their contribution to the Youth Space at the Wangaratta Library.

OFFICERS' REPORTS

7. COMMUNITY WELLBEING

7.1 THE WANGARATTA PROJECT - CBD MASTERPLAN

Meeting Type:	Special Council Meeting
Date of Meeting:	15 March 2016
Author:	Executive Assistant Corporate Services
File Name:	STREETSCAPE/CBD ADMINISTRATION/STREETLIFE
File No:	82.015.001

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

'The Wangaratta Project – CBD Masterplan' has been a key strategic project of Council for the last 12 months. Significant focus and input from Council, stakeholders and the community has resulted in a comprehensive document that outlines a range of priorities and projects that will facilitate significant development in the city over the next several decades.

The draft plan was placed on community review at the end of 2015 and the process generated strong levels of community interest, and a significant number of comments and submissions.

This report is presented to Council to:

- Report on the submissions that were received during the review period for the draft 'The Wangaratta Project – Central Business District (CBD) Masterplan'
- Consider the revised draft 'The Wangaratta Project – Central Business District (CBD) Masterplan'. The revised draft is the result of the review and appropriate consideration of the submissions and comments received.
- Adopt the revised 'The Wangaratta Project – Central Business District (CBD) Masterplan'
- Endorse the development of an implementation matrix, including an annual works schedule that will detail the progression of projects and priorities within the Masterplan.

RECOMMENDATION:**(Moved: Administrator I Grant/Administrator R Roscholler)*****That Council:***

- 1. Notes all submissions to the ‘The Wangaratta Project – Central Business District (CBD) Masterplan’***
- 2. Adopts the ‘The Wangaratta Project – Central Business District (CBD) Masterplan’ subject to changes identified within table 1 to address feedback from the community consultation process.***
- 3. Advises the community of Council’s decision to adopt the ‘The Wangaratta Project – Central Business District (CBD) Masterplan’***
- 4. Endorses the development of an Implementation Matrix that includes an annual works schedule***

Carried**Background**

The Wangaratta Project – Central Business District (CBD) Masterplan’ (the Masterplan) has been developed to address the long-term needs of the City of Wangaratta. The Masterplan will facilitate significant outcomes for the city, the municipality and the wider region including:

1. Increased economic activity driving increased employment, business and investment opportunities
2. Increased tourism and visitation to both the city and the region
3. Improved city infrastructure, facilities and landscaping
4. Increased cultural and artistic activities and presence within the CBD
5. Increased pride and use of the city centre
6. Increased use and linkages to the Ovens River
7. Improved pedestrian and transport options.

This all-of-city planning process has identified ideas, concepts, strategies and actions that are responding to the specific issues and opportunities identified by local people. They are true to the place, character and people of Wangaratta.

The Masterplan highlights priority locations for projects and developments. This forms the basis of the next steps for the Masterplan projects and concepts, and ensures that the plan’s content can readily inform future grants and funding applications, internal Council planning, capital works budgets and programming, community engagement planning and other implementation processes.

The plan is for all of the people of Wangaratta and its surrounds- those who took part in the engagement process and those with aspirations for the city - everyone

from community groups, developers and local traders to Council and interested citizens. It is intended to act as both an inspiration and a resource.

The masterplan is set up with four key elements:

- a vision that captures a vibrant picture of the Wangaratta CBD
- goals to set a clear target to work towards and to guide daily decision-making and actions by people implementing elements of the Masterplan
- big ideas that underpin the goals. These are organised into five portfolios - categories that cover a broad range of aspects of the CBD from arts to business to public space
- quick wins - smaller, easier, more nimble projects that can happen immediately to begin to realise the vision.

After extensive consultation with the community over a twelve month period to inform the development of the plan, Council determined to place the Draft Masterplan on public exhibition at its October 2015 Special Council meeting.

Process:

The following stages have been completed in the development of the Masterplan:

1. Research – significant review of existing plans and strategies was conducted. In addition, recent and relevant community consultation and engagement information was considered and used to inform both the direction of the masterplan engagement processes and key priorities within the plan itself.
2. Engagement – consultation was conducted with Council officers, business and retail owners/operators, community groups and the broader community. This was implemented over several stages as the plan was developed and reviewed.
3. Plan Development – the masterplan was developed to align with the priorities identified in existing strategies and by the local community and Council.
4. Review of draft masterplan – the Draft Masterplan was placed out for community review and comment for three months to ensure adequate opportunity for input and feedback.

This report is now before Council to progress the finalisation and adoption of the masterplan.

Community Review Period:

Council endorsed the Draft CBD Masterplan for community review in October 2015. Following this the plan was placed on public consultation from 23 October until 27 November 2015. However due to significant levels of community interest and time of year the review period was extended until 18 December 2015.

The review period was advertised and promoted in the Wangaratta Chronicle, on Council's website, through Council's advisory committees and in local community facilities such as the Council offices and the Wangaratta Library. Café Derailleur also requested copies of the plan to be displayed in their business.

In addition, two Conversation sessions were held in the King George gardens (on November 19 and 20) to provide people with the opportunity to meet with and discuss the project with Council officers.

Submissions and comments:

In all, 140 copies of the Draft Masterplan were printed and distributed to community members. In addition 12 copies were left for review within community facilities. Six copies of the Draft Masterplan were returned to Council from community facilities (Wangaratta Library and Café Derailleur) with hand written comments throughout.

Twenty four people attended the two conversation sessions held in the King George Gardens. Seven community members requested meetings or provided information/feedback to Council officers via telephone.

- A total of 158 formal submissions were made as part of the process.
- Of these, 37 submissions were from organisations, services and groups.

The submissions provide a variety of responses to the masterplan. Some submissions support the masterplan and its direction, some have concern or disagree in principle with an element of the masterplan, some request specific changes, and several raise concerns about the capacity of the masterplan to be implemented.

A summary of the key themes from the submissions, and the recommended direction can be found below:

Table 1: Submission Summary – Key points

Submission Theme	Context	Action
Site reliance for key projects/developments	The achievement of several of the most significantly sized projects within the draft masterplan were reliant on the land at the proposed site becoming available –	Alternative sites for these projects have been nominated should the key recommended site prove unable to be facilitated.

	<p>projects such as the Food Providore and the Arts and Cultural facility. It was highlighted that this is a significant risk factor to the achievement of the projects.</p>	
<p>Future of the Visitor Information Centre (VIC).</p>	<p>The rehousing of the VIC was identified within the masterplan – several potential future locations including the Wangaratta Library were presented for consideration.</p> <p>Submissions highlighted points regarding:</p> <ul style="list-style-type: none"> • Co-location of VIC with Wangaratta Library • Need to consider Apex Park as potential site 	<p>The reference to the Wangaratta Library as a future possible location for the VIC has been deleted.</p> <p>The plan now clearly articulates the need for further feasibility work for the future operation and location of the VIC.</p>
<p>Wangaratta Library Service</p>	<p>The future model of service for the Wangaratta Library is currently being reviewed and developed as part of the dissolution of the High Country Library Corporation. Given the timing alignment of these two processes and the significance of the library within the CBD, significant feedback about the operational side of the library was raised in many submissions.</p>	<p>A priority focus for encouraging and facilitating learning within the CBD has been added to the masterplan. This priority references both the TAFE and the library as key assets for learning within the city.</p> <p>Feedback will also be considered as part of the development for the future service model for the Wangaratta Library.</p>

	Feedback centred on the community's priority for a quality and accessible library service.	Reference to the library as a possible site for a co-working space has also been removed.
Trees and gardens with in the CBD	<p>The masterplan gives significant focus to the parks, gardens and trees within the CBD and their important role from a community and aesthetic position.</p> <p>Feedback from the submissions closely aligned to this priority and supported an even stronger commitment to protecting and increasing the predominance of trees and gardens within the CBD.</p>	More specific reference to trees – their prominence, type and location has been made within the masterplan
Streetscape design and infrastructure	Currently streetscape infrastructure (seating, pavements, etc) are somewhat inconsistent in design, placement and quality throughout the CBD. The draft masterplan addressed this to some extent however feedback in submissions identified the need for a more detailed direction for the future design and implementation of streetscape elements.	Incorporate a design palette for streetscape infrastructure into the final masterplan.
Pedestrian safety and street crossing	Pedestrian movement and activity is a key theme within the masterplan. Feedback from submissions focused on the need to ensure that	Lift the implementation of pedestrian crossings from a 'quick win' project to a 'Big idea and appropriate reflect implementation in the

	<p>pedestrian crossings are implemented as a priority and that they are located in places that enable safe and clear access.</p>	<p>masterplan implementation plan</p>
<p>Harvey Norman site</p>	<p>The current Harvey Norman site is identified within the masterplan as a key site within the CBD. It is also highlighted as a potential location for a future provedore development. This aligns with previous work within the Central Activity Area Plan for Council.</p> <p>Some concern was raised throughout the consultation period about the site and the appropriateness of the development.</p> <p>There was also support for the concept and the capacity to utilise the site in a way that aligns to the location of the Bike Hub and Merriwa Park.</p>	<p>Keep the project within the masterplan. Develop strategic approaches to the project in partnership with stakeholders.</p> <p>Possible alternate sites are now discussed within the masterplan for the provedore.</p>
<p>Arts precinct – Ford Street</p>	<p>The proposed arts precinct development in Ford Street is highlighted in the draft masterplan as a long term priority that will both improve the visual amenity of the street and significantly support Council’s and the community capacity to deliver a range of arts, performances and events.</p> <p>The site is currently privately owned by the Catholic Church and some concerns were raised during the review period</p>	<p>Keep the project within the masterplan.</p> <p>Develop strategic approaches to the project in partnership with stakeholders.</p> <p>Possible alternative sites are now discussed within the Masterplan for the arts and culture precinct.</p>

	regarding the capacity and appropriateness of Council acquiring the site in the future to facilitate the development.	
Wangaratta Traders Association	It was expressed in some submissions and through feedback with local business operators that it was more appropriate in Wangaratta for a Traders Association to sit as a sub-group of Business Wangaratta. This would limit duplication and help to strengthen relationships.	Redesign the Traders Association priority to link with the Business Wangaratta group.

Revisions have been made to the plan that respond to the submissions as appropriate. Changes have only been made where they do not jeopardise the strategic justification or direction of the masterplan.

Some further minor changes have been made to the plan in response to recommendations by Council officers to address errors and gaps identified and streamline the capacity to implement.

Implications

Policy Considerations

The Masterplan is a high level strategic document that will guide and direct a number of policies and strategies across the City.

Financial/Economic Implications

Adoption of the masterplan will have significant and ongoing financial implications for Council. The implementation of the priorities and projects within the Masterplan will require large financial investment that will require strategic financial planning. A key objective of the masterplan is that the impacts of these projects will generate significant economic benefits for the city.

\$400,000 is allocated in Council's revised budget 2015/2016 to facilitate the implementation of projects within the masterplan. The masterplan is also considered in Council's long term financial plan.

Achievement of many of the projects will rely on Council's capacity to financially support planning and implementation. It is also anticipated that significant levels of financial contribution will be sought from State and Federal funding bodies.

Private and community investment will also be integral to the implementation of many of the priority projects.

Legal/Statutory

Many projects within the masterplan are complex and require a continued focus on planning and legal considerations; including land ownership, planning authorisation and legislative compliance. These considerations have been addressed as far as practical within the masterplan. More detailed and specific focus on legal and statutory elements will be implemented on an individual basis for each project.

Social

The key objective of the Wangaratta Project has been the development of a plan that will achieve social activation and benefit. It is anticipated that the realisation of key projects and the redevelopment of key CBD sites will achieve a range of social, cultural and economic benefits for the city and the wider regions residents.

Environmental/Sustainability Impacts

The masterplan has several key projects that focus on the environmental protection and sustainability of the city. Enhancing the natural environment and recognising it as a key strength of the city is a strong priority for the community and Council.

2013 – 2017 Council Plan (2015 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Growing

We will create and deliver:

unique, engaging and relevant public art that helps to make our city, neighbourhoods and towns interesting places to be. Choose an item.

We will plan and make decisions for the future:

that enhance the landscapes of our main roads and key township entrances.

The non-negotiables

Our urban areas and rural townships are safe and friendly, where everyone can participate and contribute.

Residential, rural, commercial and industrial land that is appropriately protected, planned and developed to meet the long term needs of the community.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

1. 'Wangaratta, a premier liveable city'
2. The rural landscape, unique and distinct
3. A healthy environment
4. A vibrant community
5. A thriving regional economy
6. A safe and accessible community
7. A culture of life-long learning
8. Celebrating our arts, culture and heritage

b) Other strategic links

The CBD Masterplan references and builds upon the existing strategic work within the following documents, studies and plans:

1. Wangaratta Central Activities Area - Future Planning Report (August 2013) , Rural City of Wangaratta
2. Open Space Strategy - September 2012, Rural City of Wangaratta
3. Recreation Strategy - September 2012, Rural City of Wangaratta
4. Wangaratta Retail Audit and Development Plan Review/ Ovens Riverside Precinct Study (October 2008)
5. Public Art Strategic Plan (15 May 2012), Rural City of Wangaratta
6. Wangaratta Urban Design Framework (August 2002), Cox Sanderson Ness Architects, Macroplan

Risk Management

There is a risk that some submitters will be unsatisfied with the changes to the proposed plan. Not all submissions have resulted in changes to the plan. The analysis contained in Table 1 explains the reasons why the plan is recommended for change or in some cases that it remains unchanged.

Likelihood: The likelihood of this risk is moderate – high

Mitigation action: Submission summary of key themes is included in the tabled part of this report.

Consultation/Communication

Consultation for the project has focused on having an ongoing conversation with the community about how they want the city to develop, what is important and what kind of future they want the city to have.

Extensive consultation had recently been conducted for a number of significant projects and was recent and detailed enough to still consider. As such,

engagement for the masterplan was able to use this existing data to guide the testing of specific ideas and priorities that had been previously identified.

The activities fell under two main types:

- Broad public engagement both in real life and on-line – Ideas Festa, local and regional surveys, on-line surveys and social media discussions.
- Engagement with targeted groups with particular interests or concerns – 2 local business sessions, organised community group drop-ins, young people’s workshop (at Youth Summit), Council workshop

Around 900 people engaged in the process across all the activities.

Options for Consideration

Option 1(Recommended)

- Adopt the CBD Masterplan, with recommended changes outlined in the included summary table

Option 2 (Not recommended)

- Adopt the Masterplan without change. This fails to acknowledge the input from the consultation process.

Option 3 (not recommended)

- Not adopt the Masterplan and continue to refine and identify projects. This prolongs the project and impacts Council’s ability to progress priorities.

Conclusion

The Wangaratta Project – CBD Masterplan has been driven by the objective of achieving significant benefits for the City of Wangaratta, and the wider Hume region. Implementation of the plan will focus on realising the opportunities that exist in the environmental, built and community elements of the city.

The revised plan is now presented to Council for adoption and to commence the implementation process. Taking these steps will finalise the project and provide a clear direction for the development of the City.

There are many actions that will follow the adoption of the masterplan that are essential to it’s the success.

These include:

1. funding and grant investigations and applications,
2. detailed masterplan design work on specific land holdings, sites or precincts,
3. detailed streetscape planning for specific CBD streets or lanes,
4. detailed discussions and liaison between Council and specific land-owners, business owners or traders,
5. meetings and liaison between Council, key stakeholders, State Government agencies and authorities,
6. cost estimates, feasibility and business case work to determine viability of proposals,
7. staging and timing investigations to integrate masterplan ideas, concepts and actions into capital works and other budget timelines.

Attachments

- 1 THE WANGARATTA PROJECT - CBD MASTERPLAN (under separate cover)

Gallery Questions

Ian Davidson - Wangaratta Urban Landcare Group

This submission is written on behalf of the Wangaratta Urban Landcare Group (WULG) in response to the CBD Masterplan deliberations, to be tabled during the special council meeting on 22nd March .

The Masterplan's Parks and Open Space and Roads, Lanes, Parks and Streetscapes portfolios present a comprehensive plan and opportunity to increase the amount vegetation and tree cover present in our busy city streets and recreational spaces, in line with current best practice recommended by many respected urban planners.

The Wangaratta Urban Landcare Group welcomes this vision and looks forward to working with council on its implementation.

Luke Davies – Wangaratta – Friends of the Wangaratta Library Group

The Friends of the Wangaratta Library Action Group would like to express our delight that Council has elevated the status of our library in the CBD Masterplan. This document now publicly recognises the vital contribution the Wangaratta Library makes to lifelong learning, knowledge and ideas within our community.

We also appreciate your assurance that the suggestions and feedback generated during the submission period, will be kept in mind as Council develops the new shared services model.

Kathleen Wheelan – Wangaratta – Goulburn and North East Arts Alliance

Why have the previous plans for the Art Gallery extension and renovations that were designed, costed and partly funded by state government have been totally ignored by this Master plan now on two occasions?

It offered a strong solution for the current site and would resolve many issues the gallery now faces and will help to ensure that the gallery can be sustainable both economically and professionally for many years to come.

The idea of the Cultural Centre as mentioned in the Master Plan fails to offer any solutions that fit the gallery's needs.

Jaime Carroll, Director Community Wellbeing, replied there was extensive planning several years ago in regards to the Art Gallery including its design and infrastructure. Significant issues around parking, heritage and structural integrity were considered and these were deemed as very extensive and therefore expensive. These were reviewed in the CBD Masterplan on a much broader level. The CBD Masterplan takes into account a future plan for arts within the whole of the CBD.

Ron Summers - Wangaratta

Concerned about pedestrian crossings and that some of the plan was looked at as a quick fix?

Jaime Carroll, Director Community Wellbeing, replied the pedestrian crossing aspect is now much more prominent throughout the plan and has been lifted up in the project to be a huge focus. It was an issue that many people made submissions on and this was then taken into account with changes made accordingly.

John Griffiths - Whorouly

My ideas might concern other questions much like the library. Why is it necessary to make this change in the library? My concern is that there will be lack of due diligence by the selection panel?

Ailsa Fox, Chair Administrator, replied that his question is not relevant to the CBD plan. We are happy to address this after the meeting.

John Griffiths – Wangaratta

Bike paths – there are no efforts being made to address bike lanes on roads. There are a few incidents where bicycle riders have been mixed up with road works. The new pedestrian crossings encroach on the cyclists. How are we going to adapt our city to bike lanes? No thought given to the implementation of bike lanes.

Alan Clarke, Director Infrastructure Services, replied that all bike lanes are in the project focus and they won't be forgotten in the street scape. It is difficult with the pedestrian crossings as they need to be as narrow as possible. There are ways to incorporate bike lanes and we can use examples from Albury/Wodonga.

Ron Webb - Wangaratta

Wangaratta is an exceptional beautiful city with everything in walking distance. It is close to wineries, food and mountains. We do not have anything of our own. No feeling of the traditional history of the area and history of our city. We need an iconic brand. Can we have something that brings together all the history, culture and traditional owners?

Jaime Carroll, Director Community Wellbeing, agreed that we don't have an identity and this is an absolute a priority. It has been recognised in the Masterplan as an important aspect and we are working closely with the local indigenous community to develop the Bullawah Cultural Trail. There is a priority to develop a clear identity for Wangaratta and how it can be represented in a brand. We want to talk to people about what that brand would mean and look like.

Anne Shaw - Wangaratta

Acknowledged Council and all the people and organisations that made submissions. The feedback has been fantastic, focusing on positive aspects and building on the assets we already have. It is a fresh approach to planning and I commend everyone involved.

8. DEVELOPMENT SERVICES

8.1 PLANNING SCHEME AMENDMENT C69 - RURAL STRATEGY 2015 & ROADSIDE CONSERVATION MANAGEMENT PLAN 2014

Meeting Type: Special Council Meeting
Date of Meeting: 22 March 2016
Author: Principal Statutory Planner
File Name: Amendment C69
File No: 73.030.087

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Executive Summary

This report is presented to Council to make a decision regarding submissions received to Amendment C69 in accordance with section 23 of the *Planning and Environment Act 1987*.

In summary Amendment C69 proposes to implement the first stage (identified as 'short term' outcomes) of the recommended outcomes arising from the Rural City of Wangaratta Rural Strategy 2015 (the Strategy) and the Roadside Conservation Management Plan 2014, within the Wangaratta Planning Scheme.

The Strategy reviews and guides the application of the rural zones, updates the Local Planning Policy Framework and recommends application of the Significant Landscape Overlay to specific properties, and the application of the Vegetation Protection Overlay to specific roadside reservations.

Council has received a total of 28 submissions to date, of which 23 are from landowners and 5 are from government and referral agencies.

In general all 23 submissions from landowners remain unresolved and are recommended to be referred to an independent Panel appointed by the Minister for Planning. Some minor changes requested by three government agencies are recommended for approval.

RECOMMENDATION:

(Moved: Administrator R Roscholler/Administrator I Grant)

That Council resolves to:

- 1. Consider submissions to Amendment C69 in accordance with Section 23 of the Planning and Environment Act 1987 (the Act);***

2. ***Make changes to Amendment C69 in accordance with supported submissions documented in Attachment 1 – Table of Submissions;***
3. ***Refer unresolved submissions documented in Attachment 1 – Table of Submissions to a Panel appointed under Part 8 of the Act;***
4. ***Request the Minister for Planning appoints a Panel in accordance with Recommendation 3;***
5. ***Request the Minister for Planning brings forward dates for the Directions Hearing and Panel Hearing (as documented in the exhibited Explanatory Report) due to the earlier consideration of submissions by Council; and***
6. ***Notify submitters in writing of Council’s decision.***

Carried

Exhibition:

In October 2015, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C69. The amendment was placed on public exhibition from 4 February – 4 March, 2016. Letters were sent to all directly affected land owners, agencies and prescribed ministers. In addition notices were placed within the Wangaratta Chronicle on three separate occasions and also the Government Gazette.

Submissions:

A total of 28 submissions were received and are summarised in **Attachment 1 – Table of Submissions**. Five submissions are from agencies. These agencies provide general support for the amendment with three requesting minor changes to the amendment.

The remaining 23 submissions are from individual and joint property owners requesting a range of changes to the amendment.

Pursuant to section 23(1) of the *Planning and Environment Act 1987* (the Act), when considering a submission which requests a change to an amendment, Council must:

- (a) change the amendment in the manner requested; or
- (b) refer the submission to a Panel appointed under Part 8 of the Act; or
- (c) abandon the amendment or part of the amendment.

Key Issues:

The submissions and their requests can be summarised into the following categories:

Number of sub-missions	Issues Raised	Location
1	Requests additional rezoning of land combination of Township and Farming Zone	Everton Township
6	Requesting additional rezoning of land from Farming to Rural Living Zone	West of Warby Range Road
1	Objects to rezoning of land from Farming Zone to Rural Conservation Zone	McFeeters Road, Eldorado Group – Map 24
3	Objecting to rezoning of land from Farming Zone to Rural Conservation Zone	Henley Ridge Group, Markwood – Map 21
6	Objecting to rezoning of land from Farming Zone to Rural Conservation Zone	Baileys, Cox Roads, Shanley St, Wangaratta South – Map 22)
2	Objecting to rezoning of land from Farming Zone to Rural Living and Rural Activity Zones	Milawa – Map 20
1	Objecting to the application of a Significant Landscape Overlay	King Valley – Map 25
1	Objecting to Local Planning Policy changes.	N/A
2	Objecting to the amendment and raising general issues with the amendment.	N/A

Due to the issues raised within the submissions, no direct negotiations have been sought with submitters. This is because the likelihood of any resolution is considered low, as requests for changes are considered one or more of the following:

1. Outside the scope of the Amendment;
2. Relating to matters identified for 'further investigation' within the adopted Rural Strategy 2015; or
3. Contrary to the adopted Rural Strategy 2015.

Therefore all submissions received remain unresolved. It is necessary, then, for Council to resolve to request an independent Panel, under section 23(1)(b) of the Act to assess all the unresolved submissions.

Panel Request:

Submissions were originally intended to be tabled for consideration at Council's April Ordinary Meeting. Due to the convening of a Special Meeting of Council to hear another item, an opportunity arose to consider this matter earlier.

In consultation with Planning Panels Victoria (PPV), Council is required to nominate proposed Panel Hearing dates prior to exhibition of the amendment. These are contained within the exhibited Explanatory Report for Amendment

C61. These dates are based on Council's estimated timeline to consider submissions, including the formal consideration at a Council meeting.

Given the earlier consideration of this matter, application could be made to the Minister for Planning (via PPV) for an earlier Directions and Panel hearing. It should be noted that alteration of these dates may require the agreement of all affected submitters.

Implications

Policy Considerations

The amendment implements the first stage (short term actions) of the recommendations of Councils adopted Rural Strategy 2015 and relevant recommendations of the Roadside Conservation Management Strategy 2014 in relation to the application and revision of Vegetation Protection Overlays.

This amendment satisfies the requirements of Clause 21.05 of Councils Municipal Strategic Statement, specifically the undertaking of a Rural Strategy which makes recommendations on the application of the Rural Zones.

The amendment is consistent with this policy, through specific implementation of the recommendations of the Rural Strategy.

The amendment does not conflict with any existing Council policy or the *Hume Regional Growth Plan 2014*.

The objective of Clause 14.01-1 of the State Planning Policy Framework (Protection of agricultural land) is to:

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

As previously stated Amendment C69 seeks to implement the first stage of recommendations of Councils adopted Rural Strategy 2015, which is designed with the protection of agricultural land as its highest priority. Therefore it is considered that the amendment is consistent with current State Planning Policy.

Financial Implications

The preparation of Amendment C69 and the Rural Strategy 2015, has been largely undertaken in house by Planning Department staff.

Costs associated with Panel hearings are significant and are borne by Council. A fee is set by PPV that includes the Hearing, site visits and report writing. Costs for a two member Panel may be in the vicinity of \$10,000.00 a day.

A Panel hearing may run for more than one day. Costs to Council also include officer time in preparation and attendance at the Panel hearing. There is an operational budget allowance (for the 2015-16 financial year) for planning scheme amendments that will assist with these costs.

Legal/Statutory

All procedures associated with this amendment comply with the legislative requirements of the *Planning and Environment Act 1987*.

Social

The Rural Strategy 2015 has been developed to guide the future of rural land use planning within the Municipality, including supporting the growth of rural townships and protecting agricultural activity from conflicting land uses.

The retention of the State default minimums for subdivision and dwelling rights (except for Rural Activity Zone – proposed 20 hectares) is considered a fair and equitable outcome for rural communities. The small number of submissions to this amendment is seen as general satisfaction within the community of the impacts of this amendment.

Environmental/Sustainability Impacts

The amendment supports the protection of the rural environment by identifying and implementing recommendations from Council's adopted Roadside Management Strategy, specifically the protection of valuable native vegetation along roadsides through overlays within the Wangaratta Planning Scheme.

The amendment seeks to rezone some land identified in the Strategy as more consistent with the objectives of the Rural Conservation Zone, than the Farming Zone. Whilst this approach has drawn some objecting submissions, it is considered that the Rural Conservation Zone better reflects the conservation values of these land parcels.

Economic Impacts

Agriculture and tourism are key drivers of Wangaratta's economy and the region. This amendment recognises their importance and seeks to protect and grow these industries, through supportive planning provisions.

2013 – 2017 Council Plan (2015 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Sustainable

We will research and advocate:

with relevant agencies and groups to identify opportunities to build corridor structures for fauna movement and refuge in extreme dry and wet events.

We will plan and make decisions for the future:

by updating the Planning Scheme and the Municipal Strategic Statement by developing new and reviewing existing strategies, including Rural Land Use.

The non-negotiables

We consult and engage effectively with the community and provide information that is clear, accessible and easy to understand about local decision making.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

N/A

b) Other strategic links

N/A

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Amendment not approved by Minister for Planning	Low	High	Moderate	Work with DELWP to ensure the need for the amendment is understood and supported and all relevant documentation is provided

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Yes	Mandatory notice requirements under the Planning & Environment Act 1987 including: notices in local paper/Government Gazette; and letters to affected landowners, prescribed Ministers and government agencies.

Consult	N/A	N/A
Involve	Yes	Opportunity to make a submission to amendment; And referral to an independent Panel.
Collaborate	N/A	N/A
Empower	N/A	Minister for Planning had final power to approve this amendment.

All statutory requirements under the *Planning and Environment Act 1987* for public exhibition of the amendment have been met. Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Options for Consideration

Option 1 (Recommended option): Resolve to make changes to the amendment in accordance with submissions detailed in Attachment 1 (pursuant to section 23(1)(a) of the Act) and request the appointment of an independent Panel to consider unresolved submissions as detailed in Attachment 1 (pursuant to section 23(1)(b) of the Act).

This option follows the statutory process required to consider all submissions to Amendment C69, without compromising good land use planning outcomes for rural land within the Municipality.

Option 2: Abandon the amendment under section 23(1)(c) of the Act, given the number of unresolved submissions to the amendment.

This option would fail to deliver implementation of the first stage of Councils Rural Strategy 2015 and the Roadside Conservation Management Strategy 2014 into tangible policy outcomes within the Wangaratta Planning Scheme.

Option 3: Make all the changes requested in submissions to the amendment under section 23(1)(a) of the Act.

This option would therefore resolve the submissions and the requirement for a Panel Hearing would be avoided. However making changes to the amendment to accommodate the changes is not considered to be an appropriate outcome as the requested changes are not in accordance with Councils adopted Rural Strategy 2015, and many counter the strategic vision of this document.

Conclusion

Amendment C69 proposes to implement the first stage (identified as 'short term' outcomes) of the recommended outcomes arising from the Rural City of Wangaratta Rural Strategy 2015 (the Strategy) and the Roadside Conservation Management Plan 2014, within the Wangaratta Planning Scheme.

This report recommends that Council considers all submissions, resolves to adopt some changes in accordance with supported submissions and requests that the Minister for Planning establish a Planning Panel to hear unresolved submissions.

In addition to requesting the appointment of a Panel, Council also requests if possible that any panel hearing is convened at an earlier date than that outlined as a guide within the explanatory report, due to the early consideration of submissions by Council.

Attachments

1 C69 Submissions Analysis Table

GALLERY QUESTIONS

Paul O'Brien – Greta – question submitted in writing

I made a submission to above planning amendment, I received 2 formal notices from council march 4th and 10th. March 4th correspondence advised I may be contacted to clarify issues and discuss solutions to matters I had raised. March 10th was to notify me of tonight's meeting.

I want to express my real disappointment at not being contacted, I have issues that I would have appreciated meeting face to face to try to resolve.

- In both SPPF and LPPF agricultural land is not defined (to my knowledge), how then can one determine agricultural usage?
- Overlays in schedule 2 and 3 have no substance as to why we needed more than 150 years history says these landscapes have not been abused.
- Why with statistics of RCOW 3.2 is the requirement to make more restrictive requirements on lots <40ha and lot excisions when SPPF was aimed more at freeing up planning in this area?
- Why is all the previous submissions of the rural land strategy 1 and 2 not included as part of this planning amendment?

I thought involvement of the community was more than simply writing submissions, face to face or open discussions where public can seek staff answers I believed was part of the process. I would like to understand why this didn't happen with me.

Barry Green, Director Development Services, replied that people who made submissions were advised that they may be contacted. Officers considered that because Paul's submission was very similar to a previous submission that he had provided for the rural strategy, there wasn't substantial change and there had been some verbal consultation and this was deemed sufficient. We will continue to meet with people right up until the panel hearing. In relation to the questions regarding overlays, that was certainly part of the adopted strategy, the meeting

tonight however is about implementing the adopted policy. It makes a number of changes that people are very supportive of. There is a requirement for councils to have local policies and the question from Paul regarding the plan being more restrictive compared to the State Planning Policy Framework (SPPF) is not correct. I think Paul means the State Zones that were changed in October 2013 that allows a range of other uses to be considered in certain zones. In regards to previous submissions for the final adopted strategy have not been included because we can only consider submissions that were made in relation to the formal planning scheme amendment.

Gary Nevin – Bobinawarra

This document is to support the planning scheme. It is necessary to amend the local policies to support you decision making. Why are we considering this at this meeting? In regards to the Waldara and Bruck matter there was a lot of discussion. Administrators made a decision that was different to the recommendations of Council officers. There has been no discussion relating to this amendment. It is most important that this rush not result in poor planning.

Ailsa Fox, Chair Administrator, replied that the Bruck development has not resulted in an amendment and for Waldara, there hasn't been anything come back to Council. There are legal reasons pertaining to why these matters are referred to a panel.

Barry Green, Director Development Services, replied that the *Planning and Environment Act* requires Council to consider the submissions and where it cannot resolve the differences in submissions, Council must refer to an independent panel or abandon the amendment altogether. These submissions refer to the original Rural Strategy rather than the amendment and therefore the matter has been referred to a Panel.

The state has changed the system and we now need to request dates upfront and these are usually a two month lead in, this leaves us extra time to take submissions. There is no new material and therefore the best option for council is to refer the matter to an independent panel.

Irene Grant, Administrator, replied this process has not been taken lightly and rejected the claim it has been rushed. There are many technical and legislative issue to address before a decision can be made. I am satisfied that we have had and will continue to listen to the people on this matter.

Keiran Klemm – Londrigan

I attempted to obtain hard copy of the documents and had trouble bringing up the Road Side Management document. The flood study to redevelop the Air World is questionable, flood photos taken in 1973 show people rowing up Greta Road. Goulburn Murray Water agreed to a reduction in 20 hectares in rural activities zones but they say it's 40 hectares in other parts, I question that. In relation to Roadside management, 170km has been changed from medium to high. On

Page 53 of the document, Sub-Catchment plans for Wangaratta there are six sub special water catchments, what are they?

Barry Green, Director Development Services, replied that the sub-catchment areas are specified by the State Water Catchment boards in terms of where those areas are and how they are classified. They are not controlled by Council. They are designated areas and the Board works and consults with Council to make water management plans. These areas are zoned and treated differently in accordance to their functions.

Carl Doring – Whitlands

Appears that too much land is being put into farming zones, is this an attempt to limit life-stylers? In Whitlands there is not enough land to farm. Prohibits other activities like employment and my neighbour cannot build on his block because of this strategy. Whitlands has small or forested blocks that are unable to be farmed. How will these be dealt with? I think introducing this one rule is going to be detrimental. Houses or sheds cannot be built in reflective materials. Does this mean corrugated iron? I could not get onto the file via the website for the planning scheme. Spraying on road sides is killing off native plants.

Barry Green, Director Development Services, replied that the current planning zone provision actually reduces the amount of farming land. Alternate Zones have been amended and some blocks will be placed into the Rural Conservation Zone. Existing use rights are protected and cannot be changed, it may impact plans in the future but will not impact current land holders. Highly reflective materials for building will only be an issue if used in built-up areas and buildings close to the road. We are aware of some of the issues around the planning schemes available on line from the state office. This is again a state run website and is not operated by Council. We believe they are moving towards a much better system for viewing documents.

Sue Leavold – Meadow Creek

Rescheduling of the hearings – The original dates were promoted with explanatory notes. Some people may not be aware of the change. Consultation may need to occur with submitters who made other arrangements.

Ailsa Fox, Chair Administrator, replied we are aware of these concerns and will work closely with officers and staff to ensure we reach people.

Peter Farrell – Milawa

Wondering why the Milawa township development plan has been moved to the Rural Strategy? It prejudices, in my opinion for the planning panel to make decisions. I believe that they should have been put on the one document for better planning outcomes. Will the planning panel make onsite visits and if so will anyone be able to accompany them?

Barry Green, Director Development Services, replied that the two strategies, Rural Strategy and Township Development plan are part of the rural suite of zones. This was the more appropriate document to deal with the Milawa Township Development. The decisions will be left to Panel Victoria as to where and when to travel to particular areas. The panel will also make the decisions as to who will accompany them.

Cheryl Valentini – Wangaratta

Was the CFA consulted in this process? Has a benefit analysis been undertaken? What was the briefing given to planning officers? This seems to be all highly rushed, there needed to be much more consultation with people. Why not wait until elected councillors are in so a discussion can be had?

Ailsa Fox, Chair Administrator, replied that we are implementing a strategy that has already been approved.

Barry Green, Director Development Services, replied that yes the CFA were consulted and they provided a written response in support to the amendment. This is stage one implementation and there are a number of other outcomes to still come out. This is about progressing this first stage and making sure the Planning Scheme it is up to date. This matter has been going for several years and now we have an adopted strategy and this is about progressing the first stage.

Franco Corsini – King Valley

My Initial concern was the 200 meter overlay at King Valley. The King Valley has grown to where it is because of its land owners. I had no idea about this overlay until recently. Council has consulted widely with the CBD Masterplan. You are not treating the rural people the same way. Dialogue is non-existent and there has been no consultation with land owners. Investment in business in our area is always looking for support from the council.

Ailsa Fox, Chair Administrator, replied there was quite a lot of consultation in October 2015 and prior to this date. We cannot always reach everyone. There were letters posted to people who had been involved in the submissions previously.

Barry Green, Director Development Services, replied that this is just the first stage of the implementation of the strategy. There was notification in newspapers, drop in sessions, and letters sent to people who would be duly affected.

Gary Nevin – Wangaratta

The dates for Panel hearings have been put out weeks, if not months ago. This will not be enough time for people who have made arrangements on the advertised dates. This notice is dreadfully short.

Ailsa Fox, Chair Administrator, replied that there are people who have been accommodated with the new times and council will do what it can to ensure people are aware of the changes.

Barry Green, Director Development Services, replied that we have the option to give the panel dates and they will be able accommodate other times. They are generally flexible and are happy to accommodate to suit people.

Irene Grant, Administrator, replied in regards to questions regarding the lack of consultation. Everyone has the opportunity to come and talk to us about certain issues. Planning is an extraordinarily, complex and changing environment. The consultation that I have been involved in is very intensive and we are always happy for people to come and talk to us. We can all participate in these sessions and I encourage people to come forward.

Rod Roscholler, Administrator, replied it's not often you hear of planning being done in due haste. Two years ago the planning for the Rural Strategy had been in consultation for years before that. I believe we have been out in the communities and this Council is very open to letting people know what is happening. There is still a way to go but it is important to get it to nearing a conclusion.

9. CLOSURE OF MEETING

The Meeting closed at 7.30pm