

# Minutes

## Of the Special Council Meeting

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

**Date:** 25 October 2018

**Time:** 4pm



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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

### COUNCILLORS:

MR DAVID FULLER, MR DEAN REES, MR HARRY BUSSELL, MR HARVEY BENTON, MR KEN CLARKE OAM, MR MARK CURRIE, MS ASHLEE FITZPATRICK

### OFFICERS:

SARAH BRINDLEY, DIRECTOR CORPORATE SERVICES ALAN CLARK, DIRECTOR INFRASTRUCTURE SERVICES JAIME CARROLL, DIRECTOR COMMUNITY WELLBEING STEPHEN SWART, DIRECTOR DEVELOPMENT SERVICES

## 4. ABSENT

### OFFICERS:

BRENDAN MCGRATH, CHIEF EXECUTIVE OFFICER

## 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

## **OFFICERS' REPORTS**

### **7. CORPORATE SERVICES**

#### 7.1 ANNUAL REPORT 2017/18

<b>Meeting Type:</b>	<b>Special Council Meeting</b>
<b>Date of Meeting:</b>	<b>25 October 2018</b>
<b>Author:</b>	<b>Manager Finance</b>
<b>File Name:</b>	<b>Council Publications - Annual Reports</b>
<b>File No:</b>	<b>D18/64450</b>

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 for adoption of the 2017/18 Annual Report. The Annual Report has been prepared as required by Sections 131 to 134 of the *Local Government Act 1989* (the Act).

#### **RECOMMENDATION:**

**(Moved: Councillor H Benton/Councillor D Rees)**

***That Council adopts the Annual Report 2017/18 as prepared and forwarded to the Minister for Local Government.***

**Carried**

#### **Background**

It is a statutory requirement that councils prepare and report on medium and short term plans in order to discharge their duties of accountability and transparency to their communities.

Councils are required to prepare an annual report in respect of each financial year consisting of three parts:

- report of operations: information about the operations of the council
- performance statement: audited results achieved against the prescribed performance indicators and measures
- financial statements: audited financial statements prepared in accordance with the Australian Accounting Standards.

At its September meeting, Council adopted the Financial and Performance Statements in principle prior to approval by the Victorian Auditor General. We have now received the unqualified Audit Reports for the 2017/18 financial year and have forwarded the Annual Report (***refer attachment***) to the Minister as required by the Act.

## **Implications**

### **Policy Considerations**

There are no specific Council policies or strategies that relate to this report.

### **Financial/Economic Implications**

There are no financial or economic implications identified for the subject of this report.

### **Legal/Statutory**

The adoption of the Annual Report meets the requirements of section 134 of the Act.

### **Social**

There are no social impacts identified for the subject of this report.

### **Environmental/Sustainability Impacts**

There are no environmental/ sustainability impacts identified for this subject of this report.

## **2017 – 2021 Council Plan**

This report supports the 2017-2021 Council Plan:

### **Goal**

#### **We are Sustainable**

Our legislative, governance and compliance requirements will be met.

### **Risk Management**

There are no risks identified for the subject of the report.

## **Consultation/Communication**

Section 134 of the Act requires Council to consider the Annual Report at a meeting of Council held as soon as practicable after the Council has sent the annual report to the Minister. The meeting must be advertised at least 14 days before the meeting is held and the advertisement must also advise where copies of the annual report can be obtained. The meeting must be kept open to the public while the annual report is discussed.

## **Options for Consideration**

No alternate recommendations are possible for this report as the Annual Report has already been sent to the Minister for Local Government

**Conclusion**

In accordance with the requirements of the Act, the Wangaratta Rural City Council prepared an Annual Report for the financial year 2017/18 and submitted the Report to the Minister for Local Government within three months of the end of the financial year. It is now appropriate for Council to adopt the Annual Report 2017/18.

**Attachments**

- 1 Annual Report 2017/18

## 8. DEVELOPMENT SERVICES

### 8.1 APPLICATION TO AMEND PLANNING PERMIT FOR ST CATHERINES

<b>Meeting Type:</b>	<b>Special Council Meeting</b>
<b>Date of Meeting:</b>	<b>25 October 2018</b>
<b>Author:</b>	<b>Senior Planner</b>
<b>File Name:</b>	<b>Application to Amend Planning Permit for St Catherines</b>
<b>File No:</b>	<b>PlnApp15/079.01</b>

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 application seeks approval to amend an existing planning permit for alterations and additions to the St Catherines aged care facility. The original permit, issued in 2015, will result in an increase in the capacity of the facility from 69 beds to 101 beds. The approved redevelopment has not yet commenced.

The approved development included the replacement of the existing carpark to the western side of the facility with a large redeveloped carpark to the rear of the facility, accessing Riley Street via a new driveway to the eastern side of the facility located between the existing convent and church.

It is understood that St Catherines are no longer permitted to use this land for access and have therefore applied to amend the planning permit to allow access to the rear carpark from Ovens Street via the Wangaratta Performing Arts Centre (WPAC) carpark.

The application to amend has been referred to VicRoads, Council's Heritage Advisor and Technical Services Department, and publicly notified. No objections have been received.

Council's CEO has consented to the planning application proceeding on behalf of Council as the public land manager of the WPAC site; however Council's consent as landowner to the use of Council land for vehicle access has not yet been provided. Regarding the access proposal concern has been raised by Council officers representing the interests of the WPAC with respect to traffic impacts and potential implications upon the future use and re-development of the WPAC site.

This report is presented to Council to make a decision on whether to support St Catherines' planning application to amend their current planning permit. Separate land owner consent to the formalisation of access through Council land must be considered along with determination of the planning application to amend the permit.



VicRoads are a determining authority and its response has supported an amended permits with no alteration to VicRoads conditions. Minor changes in the Ryley Street road reserve require a further response which has not yet been provided by VicRoads. The amended application does not alter the physical access arrangements from Ryley Street, and the alteration of parking/loading provision through signage and linemarking has been considered by Council's Technical Services.

**RECOMMENDATION:**

*That Council resolves to:*

1. *issue an Amended Planning Permit with respect Planning Permit Application 15/079.01 to allow for altered design of the permitted Aged Care Facility redevelopment, including use of the Wangaratta Performing Arts Centre for vehicle access, at 59-69 Ryley Street, Wangaratta, in accordance with the permit conditions contained within attachment 1 but subject to a revised referral response from VicRoads, including any revised of additional conditions required by VicRoads.*
2. *advise the applicant and all referral authorities of Council's decision.*
3. *Agree to provision of formal access arrangements via Council's PAC land on the basis of the required Section 173 agreement whereby the access route to Ovens Street may alter in future with appropriate notice, and the full width of the access driveway will not always be available when PAC delivery vehicles are unloading in the driveway.*

**RESOLUTION:**

**(Moved: Councillor D Rees/Councillor M Currie)**

*That Council resolves to:*

1. ***issue an Amended Planning Permit with respect Planning Permit Application 15/079.01 to allow for altered design of the permitted Aged Care Facility redevelopment, including use of the Wangaratta Performing Arts Centre for vehicle access, at 59-69 Ryley Street, Wangaratta, in accordance with the permit conditions contained within attachment 1 and subject to a revised referral response from VicRoads, including any revised of additional conditions required by VicRoads.***
  - ***A revised referral response from VicRoads, including any revised additional conditions required by VicRoads.***
  - ***Amending permit condition 8(a) to correctly refer to the 'Rural City of Wangaratta'.***
  - ***Amending the notice period stipulating in permit condition 8(J) from three months to 12 months***
  - ***Amending permit condition 14 to require parking spaces 10 to 18 to be signposted as time restricted spaces consistent with***

***adjacent parking spaces within the Wangaratta Performing Arts Centre carpark***

- 2. advise the applicant and all referral authorities of Council's decision.***
- 3. Agree to provision of formal access arrangements via Council's PAC land on the basis of the required Section 173 agreement whereby the access route to Ovens Street may alter in future with appropriate notice, and the full width of the access driveway will not always be available when PAC delivery vehicles are unloading in the driveway.***

**Carried**

### **Property Details**

St Catherines aged care facility is located on the northern side of Riley Street, approximately 150 metres west of its intersection with Ford Street. It is immediately west of Wangaratta's core CBD, opposite Merriwa Park. It adjoins St Patricks Primary School to the north and St Patricks Catholic Church to the east with a convent and chapel located in between. Boundaries between these uses are not clearly defined; however, the aged care facility and its immediate surrounds appear to occupy an area of approximately 7,000sqm.

The current facility consists of a two-storey brick building with a 61 bed capacity. It is accessed from Ryley Street via an existing crossover to the south-west corner of the property. Parking spaces are currently available to the front, the western side and the rear of the facility. The remaining surrounds are comprised of gardens.

The rear carpark adjoins the Wangaratta Performing Arts Centre (WPAC) carpark to the immediate north and it is via this point in which the new formal access is proposed. There is currently informal access between the subject land and Council's PAC land however no agreement exists for this access.

Land/Address	59-69 Ryley Street, Wangaratta
Zones and Overlays	Commercial 1 Zone Heritage Overlay – Schedule 13 Parking Overlay – Schedule 1
Why is a permit required	Buildings and works in the Commercial 1 Zone  Buildings and works, including demolition, in the Heritage Overlay  Alteration of access to a Category 1 Road

## Original Application

The original permit application was for the redevelopment of the current St Catherine's Aged Care Facility, increasing the capacity of the facility from 69 beds to 101 beds. The proposal entailed;

- The construction of a new two storey wing with basement to the west of the current facility, to match the main building. The new wing to comprise 32 additional bedrooms and associated living spaces and amenities over the ground and first floor, with the basement to provide staff parking and storage space. The construction of this wing necessitates the removal of the western carpark and vehicle access to the rear of the site.
- Other alterations and additions to the main aged care building including linkages with the existing convent to the east. The alterations and additions will be used to provide an additional bedroom, living space, office space, staff amenities and linkages as well as the revitalisation of key architectural elements of the main building's primary facade.
- Replacement of an existing verandah and skillion to the side of the adjoining St Patricks Church to the east with a more sympathetic verandah and carport.
- Rearrangement of onsite vehicle access, car parking and loading/unloading arrangements within the main aged care facility carpark area to be relocated from the west of the site to the north (rear) of the site. Access to be provided via a new driveway between the existing convent and church to the east of the aged care facility.
- Relocation of western property access crossover and widening of eastern property access crossover.

A planning permit was issued for the works on 11 September 2015.

## Proposed Amendment in Detail

The current application seeks to amend the original permit, primarily through alteration of the access arrangement to the rear carpark. The majority of the permitted buildings and works will remain unaltered, including the intended capacity of the facility.

It is understood that the driveway access arrangement through the subject land from the rear carpark to Ryley Street as shown on the existing permit is no longer acceptable to the church with the proposed aged care facility redevelopment now needing to pursue alternative opportunities to access the rear carpark. This amended proposal seeks to establish an alternative option to use the existing WPAC carpark driveway. This driveway extends along the western side of the Art Gallery and accesses Ovens Street via the existing crossover located between the Art Gallery and the neighbouring Averleigh office complex, approximately 30 metres east of the St Patricks school crossing.

The application proposes the access arrangement be established using an easement of way in favour of St Catherines, however as discussed in this report that legal arrangement would be too inflexible to Council's future interests. A Section 173 agreement is proposed and in the draft permit conditions as an alternative and the applicant is agreeable to this arrangement. The altered access arrangement will result in the loss of one parking space within the WPAC carpark.

The application also proposes altered vehicle access arrangements to the site from Ryley Street with some parking provision within the front Ryley Street setback of the facility to be maintained. This will result in an alteration of the existing angled public parking spaces available within the Ryley Street road reserve.

Delivery vehicles no larger than that of an 8.8m rigid vehicle will be able to access the onsite loading bay to the rear of the facility via the WPAC carpark. Larger deliveries are proposed to be via Ryley Street with the application including plans for a limited hours loading bay within the Ryley Street road reserve toward the south-western corner of the aged care facility site. It is proposed that this area be linemarked and signposted so as to be a dedicated loading bay between the hours of 9.30am and 2pm, before reverting to angled parking spaces throughout all other hours. Overall, the proposal will result in a loss of 6 on-street spaces in Ryley Street between 9.30am and 2pm but a gain of 1 on-street space outside of these hours.

### **Summary of Key Issues**

- Impact of increased traffic through WPAC carpark and via WPAC crossover to Ovens Street.
- Potential implications upon the use and future development of the WPAC site.
- Loss of carparking along Ryley Street between 9am and 2.30pm and potential confusion of parking availability in general.

### **Relevant Planning Provisions**

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

<b>Section</b>	<b>Clause</b>	<b>Provision</b>
State Planning Policy Framework	16.01-7S	Residential aged care facilities
	19.02-3S	Cultural Facilities
	19.02-4S	Social and cultural infrastructure
Local Planning Policy	21.02-2	Activity centres

Framework	21.10-1	Community infrastructure
	21.11	Wangaratta Central Activities Area
	22.06	Heritage Places and Precincts
Zones	34.01	Commercial 1 Zone
Overlays	43.01	Heritage Overlay
	45.09	Parking Overlay
Particular Provisions	52.06	Car Parking
	52.29	Alteration of access to a Road Zone, Category 1
Decision Guidelines	65	Decision Guidelines
	65.01	Approval of an Application or a Plan

### **Referrals**

The application was referred to the following referral authorities:

<b>Authority</b>	<b>Section</b>	<b>Response</b>
VicRoads	External Section 55 Referral - Determining Authority	Initial referral response to this application advising of no objection to the application subject to the VicRoads original permit conditions being maintained. A revised response, however, is required because some minor wording changes are now necessary and has not yet been provided.

### **Internal Departmental Advice**

<b>Department</b>	<b>Response</b>
Technical Services Department	No objection – subject to conditions, including some revision of the carparking and loading/unloading arrangement within the Ryley Street road reserve.

Department	Response
Heritage Advisor	No objection as proposed amendment has no heritage implications.

### **Advertising**

The application was advertised to surrounding landowners and occupants on 16 July 2018, consistent with the original permit application.

A notice was also placed within the Wangaratta Chronicle 'Rural Connection Page' on 20 July 2018.

To date, no objections have been received in relation to the proposed amendment.

### **Relevant considerations under the Wangaratta Planning Scheme**

Considerations under the Wangaratta Planning Scheme relevant to the proposed amendment are detailed as follows.

#### **Increased traffic generation through WPAC carpark and via WPAC crossover to Ovens Street.**

The proposed access arrangement through the WPAC carpark will serve 28 parking spaces, 3 bike spaces and a loading bay serving vehicles up to an 8.8 metre rigid truck.

The application includes the provision of a Traffic Impact Assessment Report (TIAR) prepared by a traffic engineer on behalf of the applicant.

The report identifies that the majority of traffic generated by St Catherines occurs during the change in staff shifts which occur at 7.00-7.15am, 2.45-3.00pm and 10.30-10.45pm. The majority of deliveries are conducted during the morning and early afternoon.

The traffic engineer has carried out modelling to determine the additional traffic likely to be generated at the intersection of Ovens Street and the WPAC carpark entrance driveway as a result of the proposed access arrangement. A summary of existing traffic flows and additional turning movements during peak times (8.00-9.00am and 2.45-3.45pm) are detailed below.

Figure 4: Existing 2018 AM (8.00-9.00) and PM (2.45-3.45) peak traffic flows at the intersection of the Ovens Street and WPAC car park entrance

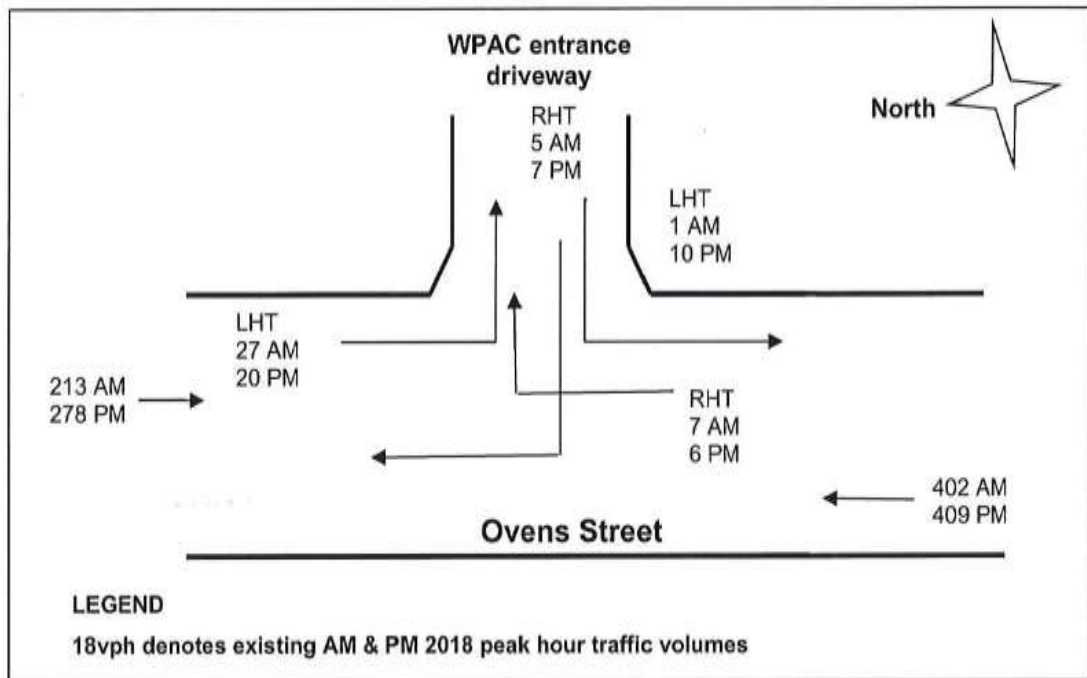
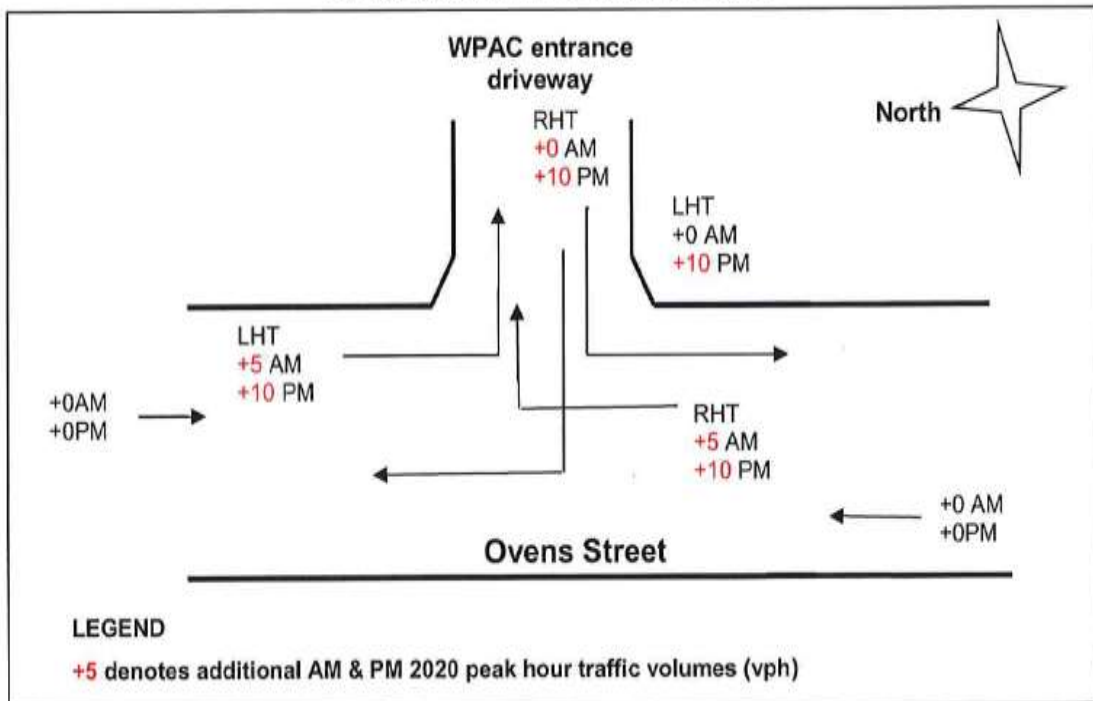


Figure 5. Additional 2020 AM (8.00-9.00) and PM (2.45-3.45) peak traffic flows at the intersection of the Ovens Street and WPAC car park entrance



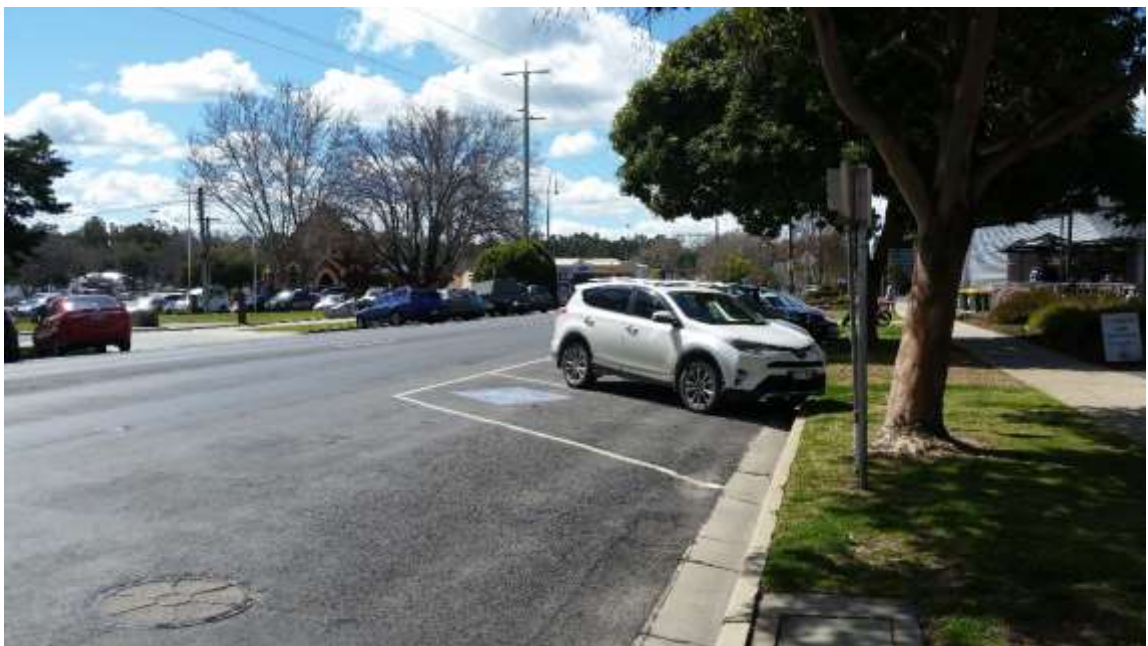
The report finds that the impacts of the proposed access arrangement are primarily related to the low speed turning manoeuvre required at the intersection of Ovens Street and the WPAC carpark and movements within the WPAC carpark. The modelling indicates that the increase in traffic will remain within capacity of the current intersection. Minor delays in right-hand turn in and out of the WPAC are anticipated but are deemed to be acceptable.

There doesn't appear to be any assessment as to the safety of the access arrangement in the vicinity of the nearby school and school crossing or the adequacy of sight lines; however, Council's engineers have advised that the Technical Services Department is satisfied with the anticipated increase in traffic.

Technical Services have requested that a Kurrajong tree within the road reserve be removed; however, the tree is protected by heritage provisions and Council's Heritage Advisor and Arborist have both requested the tree be retained. An inspection of the intersection indicates that the tree, located to the west of the intersection, does not cause any significant impact to sight lines. A much clearer line of sight to the west will continue to be maintained as opposed to sight lines to the east. The requirement to remove the Kurrajong tree is therefore not supported.



Sightlines to the west (note trunk of Kurrajong tree in centre of photograph)





Sightlines to the east

## **Potential implications upon the use and future development of the WPAC site**

### **Traffic and Parking**

To facilitate the proposed operation of the St Catherines carpark, one parking space to the south west corner of the WPAC carpark is required to be removed. The traffic report submits that the loss of this space will have an insignificant impact on the WPAC carpark as the existing maximum utilisation of the carpark at its busiest time is observed at 83% capacity with 9 parking spaces still available for public use. Further, the report submits that St Catherines will make a further nine spaces within their new rear carpark available for public use. This can be a condition of any subsequent permit issued.

The existing WPAC carpark two-way traffic aisle along the western side of the Art Gallery is 5.2m wide, below the Australian Standards' stipulated minimum 5.5m width for two-way accesses. Any widening of the accessway, however, will result in the loss of 11 parking spaces from the WPAC. The traffic report submits that the reduced width should be supported and the 11 parking spaces maintained in this instance as observations by the traffic engineer indicate that there is adequate width between the kerb on the western side of the accessway and the parked cars to the east to cater for two-way traffic. The parking spaces are slightly oversized, allowing greater distance between the rear of parked cars and the accessway. The traffic engineer submits that the linemarking could be adjusted to provide a 5.5m aisle width.

Council's Technical Services support the traffic engineer's submission and do not require the parking spaces to be re-linemarked.

The traffic report submits that delivery vehicles accessing St Catherines' rear carpark will be limited to vans and small single truck movements of a rate of approximately two vans and one truck per day. The deliveries will be outside peak traffic periods for Ovens Street and swept paths have been provided indicating that vehicles up to an 8.8m rigid truck are to adequately manoeuvre within the St Catherines carpark area, entering and leaving the WPAC carpark in a forward direction. The traffic engineer anticipates there to be "only minor impacts" from delivery vehicles.

Council's Technical Services support the proposed delivery vehicle arrangements to the rear of the subject site.

Representatives of the WPAC facility have raised concerns with respect to the loss of parking and accessibility through the WPAC carpark in general, particularly the impact of art gallery delivery vehicles on traffic flow. There is currently no dedicated loading bay on site for the art gallery. Delivery vehicles instead have to utilise existing parking spaces immediately adjacent to the gallery (refer to the photos below). These vehicles protrude into the accessway and block off access when cars are parked in the parking spaces and the delivery vehicles load from the accessway itself. Deliveries are relatively infrequent, approximately 20 per

year, but can cause significant disruption for up to 3 hours at any one time while the delivery vehicle is being unloaded. In order for the St Catherines' proposal to progress, safeguards must be included to ensure access through the WPAC carpark is maintained. It is recommended this be in the form of providing a dedicated loading bay for the Art Gallery. The parked delivery vehicle will likely still compromise two-way traffic flow for the small section of driveway they occupy; however, Council's engineers consider this reasonable given the infrequency of deliveries.

The WPAC representatives have also raised concern over pedestrian safety along Ovens Street and the designated school crossing nearby, as well as right hand turn in and out of the WPAC carpark. These concerns, however, are not shared by Council's engineers.



Location plan of delivery vehicle parking



Delivery vehicle being unloaded

### **Other Implications**

In addition to traffic related matters, Council officers representing the interests of the WPAC have raised concern with respect to the proposed easement of way on Council's title impacting upon the future use and development of the WPAC facility. The 6m wide restrictive covenant along the full 80m length of the site, to be maintained as access for St Catherines, has the potential to hamper further growth of this important community asset as it responds to the changing needs and growth of our community. The Wangaratta Plan, which is discussed later in this report, highlights the importance of the WPAC and plans to grow and develop the space.

It is understood that Council is already investigating opportunities for the additional storage for the WPAC as well as an extension of the Memorial Hall. The Wangaratta Plan goes beyond these initial plans in a bid to expand the WPAC space and its interactions with the surrounding public realm, particularly Ford and Ovens Street. Matters such as access and parking arrangements will need to be reviewed each time Council further develops the WPAC space.

With respect to relevant planning provisions there are some overarching policy provisions within the Wangaratta Planning Scheme relating to residential aged care facilities and cultural facilities and infrastructure.

With respect to cultural facilities and infrastructure, State Planning Policies 19.02-3S and 19.02-4S encourage a wide range of arts, cultural and entertainment facilities and community places and buildings to be planned and designed so they can adapt as the population changes and different patterns of work and social life emerge. At Local Planning Policy level there is strong emphasis on culture and

arts with Clauses 21.02, 21.10 and 21.11 of the Wangaratta Planning Scheme providing;

- “Facilitate the development of... community facilities to cater for the wider region including... community services... and civic functions”
- “Provide well designed multi-purpose public buildings to meet the needs of local communities”.
- “Provide high quality arts and cultural facilities in Wangaratta”.
- Wangaratta “to be a centre that caters for a diverse range of arts, cultural and educational experiences utilising a variety of approached and pathways”.
- “Provide infrastructure appropriate to community needs”.
- “Support arts and cultural facilities and programs”.
- “To develop Precinct 2 – Arts and Cultural Hub as a thriving arts and culture hub...”
- “Reinforce the location of the Performing Arts Centre and Art Gallery as the cultural heart of Wangaratta.”

While no detailed provisions or decision guidelines are provided within the Planning Scheme to address the concerns raised by representatives of the WPAC, these overarching State and Local Policy Provisions highlight the importance placed upon arts and culture in Wangaratta and the importance of the WPAC to the community. Further, they emphasise that such facility must be able to adapt to growth and changes in the community.

To highlight the importance of the WPAC and the benefits of cultural tourism and cultural assets, WPAC representatives have provided the following;

#### ***Annual visitation FY 1718***

- *Gallery = 39,130 (5% increase for FY 1617)*
- *WPAC = 94,386 ( increase for FY 1617)*
- *Intermezzo = 55,000 (included in the WPAC visitation)*
- *TOTAL to the site per annum = 133,516 and increasing*

#### **Economic benefit**

##### **WPAC**

- *Regional visitor spending of approx. \$1.6 million (direct & indirect) per annum (FY 11/12)*
- *New employment EFT of 19.5 – include direct and indirect (suppliers)*
- *Every dollar of Council subsidy generates approx. \$1.80 of regional economic benefit.*

- Turnover \$1.1 million in FY 1718 (ticket sales for touring companies and WPAC income)
- Grants \$115,000 per annum

### **Gallery**

- EFT = 2.2
- Turnover \$27,533
- Grants FY 1718 \$60,000 + \$15,000 + \$10,000 + \$14,000
- Cultural tourism -approx. 30% of total visitation to the Wangaratta Art Gallery (39,130) spends at least one nights accommodation in region. This equates to an economic input of \$1.87 million per annum from visitation to the Art Gallery. (based on Victorian Visitor Economy Strategy, July 2016 [www.economicdevelopment.vic.gov.au](http://www.economicdevelopment.vic.gov.au))

*In the year ending December 2017, there were 24.5 million domestic overnight visits to and within Victoria (of one or more nights duration). 4.1 million of these, or 17%, were considered to be cultural visits (as having attended a cultural venue or event during their trip) Cultural visitors stayed longer than the average visitor. All domestic trips totalled 70.4 million visitor nights, an average stay of 3 nights each (2.9 exactly) and cultural overnight visits totalled 14.1 million visitor nights, an average of between 3 and 4 nights each (3.5 exactly).*

*Attractions for Victoria's domestic cultural tourists were:*

- museums and art galleries (45%)
- historic buildings and monuments (36%)
- theatre, concerts and performing arts events (22%)
- festivals, fairs or cultural events (22%)

*The average overnight visitor spend in Victoria for intrastate visitors is \$160 per night, with interstate visitors spending \$240 a night. Daytrip visitors spend approximately \$95. A resident is estimated to spend around \$70 per day, however most of this is not spent on the visitor economy*

*Cultural tourism is an attractor and every visitor is a potential rate payer – increasing local populations. Visitors come, enjoy and fall in love with a location, and subsequently may decide to move and live locally. There are strong overlaps between a place being highly liveable and great to visit. Regionally, increased population growth can be a sustainable way to increase the capacity of the Council to deliver on community desires and expectations. Given the forecasted population growth rate of Victoria, the potential for tourism to be a pathway to decentralising the population is critical and is acknowledged by State Government. Regional towns and centres have a significant opportunity to use their ‘visitor appeal’ as a means to attract new residents and grow their rate base.*

### **Intermezzo Cafe**

- *Annual turnover \$892,307*
- *Visitation 55,000*
- *EFT = 5*

It is considered that any restriction placed over the WPAC land that limits its ability to grow and develop in response to community needs has significant ramifications on the future growth and development of Wangaratta.

Council Officers have therefore sought legal advice as to the best approach to support St Catherines in the interim so that they can commence development of their facility while at the same time not permanently constraining the future growth and development of Wangaratta's key cultural and arts facility. The advice provided is that an easement of way is not an appropriate method for access as it may affect the future growth and development of the WPAC. An agreement under Section 173 of the Planning and Environment Act, 1987, and an associated license arrangement are the mechanisms that have been recommended as they protect Council's interests now and into the future. The Section 173 Agreement would establish a process to facilitate access over Council's land but does not guarantee that access until the proper Local Government Act, 1989, processes have been undertaken and a license to use the land has been granted. This approach is supported as the best mechanism to facilitate St Catherines' development but also protect Council's interests.

State Policy Provision 16.01-7S (Residential aged care facilities) recognises that aged care facilities contribute to housing diversity and choice but does require facilities to be located close to services and transport, to be of a high standard of urban design and architecture, and be designed to respond to the site and its context.

While the proposed St Catherines development is considered to have a high standard of urban design, the applicant has been reluctant to investigate any alternative designs for the facility in order to maintain direct access to the site from Ryley Street, despite requests and suggestions from Council's Officers. While not the preferred option of the applicant, Council planners consider there are design options available that would have minimal impact on the currently proposed layout of the building to allow access from Ryley Street should this be necessary in future to support future growth and development of the WPAC.

### **Parking supply and access in Ryley Street**

The application includes alteration of access to the subject site from Ryley Street in the form of relocating the crossover within the south-west corner of the site approximately 30 metres to the east. The proposed new access will require 3 existing onstreet spaces to be removed.

Further, a limited hours loading bay is proposed to be provided within the road reserve immediately adjacent to the existing access. Larger vehicles that are not able to utilise the rear loading bay will make use of the proposed Ryley Street loading bay between the hours of 9.30am and 2pm. It is proposed that this area will be linemarked/signposted such that it is reserved as a loading zone between the hours of the 9.30am and 2pm but available for carparking outside of these

hours. This will affect 7 parking spaces; 3 existing spaces and 4 new spaces to be created as part of this application.

With the relocation of the property access and creation of a limited hours loading zone, the proposal will result a net loss of 6 on-street spaces in Ryley Street between 9.30am and 2pm but a gain of 1 on-street space outside of these hours.

Council's Technical Services do not support the proposed loading bay arrangement for the following reasons;

- Council's recent parking study of the Wangaratta CDB shows that the subject parking spaces are heavily utilised high-turnover spaces between the proposed hours of restriction (9.30am to 2pm). The submitted traffic report suggests that the six spaces proposed to be lost are used primarily for school pick-up and drop-off and that the hours of restriction will not impact upon this; however, Council's recent parking study and observations from Council's engineers suggest these spaces are heavily utilised throughout the day, not just at school pick-up and drop-off times.
- The proposed 14m long space is not large enough for the design 12.5m delivery truck to enter and exit it.
- The submitted traffic report indicates that the dedicated loading bay will likely only be required for up to four deliveries per week. Council's engineers have provided that the long-vehicle parking spaces adjacent to St Patrick's Presbytery are underutilised and capable of accommodating this small number of deliveries when required.

Council's Technical Services therefore request that the submitted plans be amended to remove the proposed limited hours loading bay, showing this area as being dedicated onstreet parking. This is supported and should be included as part of any amended permit issued.

### **VicRoads Referral Response**

The application has been referred to VicRoads as a Determining Referral Authority in accordance with Section 55 of the Planning and Environment Act, 1987. VicRoads have responded, advising that the authority does not object to the proposed amendment provided the conditions from the original planning permit are maintained on any new permit. At least one to two of these conditions, however, do not properly reflect the proposed amendment and need to be updated. As Council does not have authorisation to amend VicRoads conditions, Council Officers have contacted VicRoads requesting the authority revise its conditions. To date, no revised referral response has been provided. It is therefore recommended that any Council decision to issue a permit must be subject to a revised response from VicRoads, and any additional VicRoads conditions included.

## **Implications**

### **Policy Considerations**

#### **The Wangaratta Project – A Masterplan for the City**

The Wangaratta Project identifies that arts and culture are a strength within Wangaratta and play a vital role in the success of the city and its surrounds. The WPAC and Art Gallery are paramount to this existing and continued success. The Project states that “adding to and enhancing existing cultural facilities and filling current gaps would be a game changer in repositioning the city as a major creative centre”.

The Project finds that there are constraints within the existing set up of cultural assets within the CBD but identifies that the Ford Street precinct should be intensified by adding a new building to the existing cluster of cultural facilities to create a new Cultural Centre.

Other initiatives identified by the Project include;

- anchor the outdoor public arts events and initiatives with the public plaza/forecourt of the new Cultural Centre which can host Council, community and art functions, launches, events and performances
- take a number of steps to improve the existing experience around Ford Street, including improving the landscape quality and pedestrian experience around the existing cultural facilities, especially the footpath areas and exploring opportunities for significant new public artworks
- facilitate events, activities and exhibitions within the Performing Arts Centre and the Gallery to break out into the outdoor places and spaces of Ovens and Ford Streets
- establish a clear, direct and pedestrian friendly walkway from St Patrick’s School, St Catherine’s Hostel and St Patrick’s Church to Ford Street in order to open up the area to pedestrians
- create simple and efficient car access and parking for the Performing Arts Centre and Gallery by extending the laneway access through to Ford Street between the Museum and PAC

The implications of the proposed St Catherines access arrangement upon these strategic Council initiatives must be considered.

### **Financial Implications**

There are no immediate costs to Council as a result of this proposal, other than the creation of a restriction potentially affecting the value of the land. Any restrictions over Council land may also have long-term financial implications on any plans Council has to redevelop this space.



**Legal/Statutory**

All procedures associated with the lodgement and assessment of this application have been done in accordance with the Planning and Environment Act, 1987.

**Cultural Heritage**

The subject land is not within an area of Cultural Heritage Sensitivity.

**Social**

Social implications as a result of this application have been addressed throughout this report and will be way addressed

**Environmental/Sustainability Impacts**

There are no environmental / sustainability impacts identified for the proposed amendment.

**Economic Impacts**

The application is considered to have a neutral economic impact. While the proposed access arrangement will support the redevelopment of the St Catherines Aged Care facility, any permanent restriction placed over the WPAC will impact redevelopment opportunities of an important community and tourist asset. The economic importance of the WPAC has been discussed earlier in this report.

**Referrals/Public Notice****2013 – 2017 Council Plan (2015 Revision)**

This report supports the 2013-2017 Council Plan:

## Goal

### We are growing

We ensure new developments comply legislation and the needs and characteristics of our community.

We ensure that land is used and developed in a manner that is economically, socially and environmentally responsible.

We will plan, research and advocate for the future to facilitate considered planning and development in line with long term strategic objectives for the sustainability of our community and environment.

We will focus on our business to ensure we understand and plan for the long term opportunities, challenges and priorities that face our growth potential.

### We are sustainable

We will plan, research and advocate for the future by accurately understanding the constraints and opportunities that face our organisation, our community and our region.

### We are established

We will plan, research and advocate for the future to address traffic, parking and pedestrian challenges to create communities that are safe, easy to navigate and accessible.

## 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
Refuse to issue a Planning Permit – Applicant appeals decision at VCAT	Med	Low	Low	Representation of Council at VCAT
Issue of a Planning Permit – Applicant appeals permit	Med	Low	Low	Representation of Council at VCAT if any conditions are appealed.

conditions at VCAT				
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### **Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Notify potentially affected parties of the application	Notice of Application sent to surrounding owners and occupants and an advertisement placed in the Wangaratta Chronicle
Consult	All submissions to the application will be considered.	No external submissions have been received.
Involve	Opportunity to make submission.	Notice of Application sent to surrounding owners and occupants and advertisement placed in the Wangaratta Chronicle
Collaborate	N/A	N/A
Empower	N/A	N/A

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

### **Options for Consideration**

1. Approve the application, through the issue of an Amended Planning Permit, subject to appropriate conditions. This is the recommended option.

OR

2. Refuse the planning permit application. This is not the recommended option.

### **Conclusion**

The primary purpose of this application is to alter the access arrangement for an approved redevelopment of the St Catherines Aged Care Facility. It is understood that differing requirements of each of the Catholic Church organisations represented on the site has prevented the original planned access from proceeding. Instead of redesigning the approved development in response to this situation, St Catherines is seeking Council's assistance in making the WPAC available for access. To date, Council as the owner of the WPAC land has not made a decision to support or reject St Catherines proposal for formal access via the WPAC land but has consented to a planning application proceeding.

This report has considered the relevant planning provisions relating to St Catherines' proposal. The report finds that, on balance, the proposal can be supported on planning grounds, subject to the inclusion of permit conditions.

As Council is also the public land manager of the WPAC it must consent separately to St Catherines' using its land, however this can be subsequent to the issue of an amending planning permit.

**Attachments**

- 1 Amended Plans
- 2 Draft Amended Permit

Mr Brian Fox asked how he could possibly ask a question when he has not had access to the agenda.

*Mayor, Ken Clarke responded that the meeting has been advertised in the paper and the agenda was available on Councils website.*

**9. CLOSURE OF MEETING**

The Meeting closed at 4.11pm.