

Minutes

Of the Ordinary Council Meeting

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

Date: 16 October 2018

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**

Councillors:

Mr David Fuller, Mr Dean Rees, Mr Harry Bussell, Mr Harvey Benton, Mr Ken Clarke OAM, Mr Mark Currie.

Officers:

Brendan McGrath, Chief Executive Officer; Sarah Brindley, Director Corporate Services; Alan Clark, Director Infrastructure Services; Jaime Carroll, Director Community Wellbeing; Barry Green, Director Development Services.

4. **ABSENT**

Councillors:

Cr Ashlee Fitzpatrick.

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

ORDER OF BUSINESS

6. **CITIZEN CEREMONY**

Nil

7. **CONFIRMATION OF MINUTES**

RECOMMENDATION:

(Moved: Councillor H Benton/Councillor M Currie)

That Council read and confirm the Minutes of the Ordinary Meeting of 25 September 2018 as a true and accurate record of the proceedings of the meeting.

Carried

8. 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.

9. RECEPTION OF PETITIONS

9.1 PETITION: PARKING ON NATURE STRIP IN JOHNSTON'S LANE WANGARATTA

Meeting Type: Ordinary Council Meeting
Date of Meeting: 16 October 2018
Author: Executive Service Coordinator
File Name: N/A
File No: N/A

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

A petition/joint letter containing 13 signatures from residents of Johnston's Lane, Wangaratta been received.

The petition requests that the Rural City of Wangaratta grant an exemption to the Road Safety Road Rule 2009, and allow parking of two wheels on the kerb of Johnston's Lane, Wangaratta.

A copy of the letter has been provided to Councillors under separate cover.

RECOMMENDATION:

(Moved: Councillor D Fuller/Councillor D Rees)

- 1. That the petition regarding Kerbside parking in Johnston's Lane, Wangaratta be received.***
- 2. That a report into investigations into the request within the petition be considered at a subsequent Ordinary Council meeting.***

Carried

Conclusion

In accordance with Local Law No.2 of 2016 – (Council) Meeting Procedure, a joint letter presented to the Council must lay on the table until the next ordinary meeting of the Council and no motion, other than to receive the joint letter, may be accepted by the Chairperson, unless Council agrees to deal with it earlier.

Attachments

- 1 Petition - Confidential

10. HEARING OF DEPUTATIONS

PRESENTATION OF REPORTS

11. COUNCILLOR REPORTS

Nil.

OFFICERS' REPORTS

12. EXECUTIVE SERVICES

Nil.

13. CORPORATE SERVICES

13.1 COUNCIL PLAN PROGRESS REPORT - 1 JULY - SEPTEMBER 30 2018

Meeting Type: Ordinary Council Meeting
Date of Meeting: 16 October 2018
Author: Governance & Reporting Advisor
File Name: Council Plan Measures Progress Report - 1 July - September 30 2018
File No: D18/65919

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 communicate Council's performance against the Council Plan for the period of 1 July - 30 September, 2018.

RECOMMENDATION:

(Moved: Councillor H Bussell/Councillor D Fuller)

That Council receives the Council Plan Progress Report for the period of 1 July - 30 September, 2018.

Carried

Background

Part of the Council's Mission is to provide the leadership necessary to maintain open communication and community engagement. Providing reports to the community on Council's progress against the outcomes will assist to achieve this mission.

These results measure our progress against what is important to allow ourselves and everyone in our community to understand the impact that we are having.

Implications

The fifteen indicators which are measured quarterly are included in the progress report.

In this report, we have provided a traffic light indicator of performance.

- Green indicates that performance was within 5% of target;
- Yellow indicates that performance was within 10% of target; and
- Red indicates that performance was more than 10% outside of target.

We are Established

The value of infrastructure is tracking well for the first quarter and as such, it is expected that Council will exceed the target results for the remainder of the financial year.

We are Growing

Management of planning applications continues to show a positive outcome with a continued steady reduction in the median number of days taken between receipt of the planning application and a decision.

We are Inspired

Attendances for the Wangaratta Art Gallery and ticket sales for the Wangaratta Performing Arts and Convention Centre are tracking to forecast for the quarter. Active library users for the quarter showed a very strong result.

Although measures for customer requests remain above target, the measures continue to trend down and customer service remains a focus for Council.

We are Sustainable

Food safety assessments for Class 1 and 2 food premises showing positive results for quarter one.

The costs associated with animal management services are substantially higher than forecast. The targets set for this measure were determined during the FY2017/18 period and the results for the first quarter have highlighted the need to reconsider the targets and potentially revise them so that they more accurately reflect expected actual costs moving forward.

We are Thriving

Enrolments in the Maternal and Child Health Service and the number of visits to aquatic facilities for quarter one are showing positive results.

Policy Considerations

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

Financial/Economic Implications

There is no immediate financial impact related to this report.

Legal/Statutory

The Local Government Act 1989 requires Council to report on performance annually in the Annual Report. This quarterly report provides the community with a progress update against some of Council's key measures.

Social

The Council Plan 2017-2021 provides for achievement of a number of social objectives.

Environmental/Sustainability Impacts

The Council Plan 2017-2021 provides for achievement of a number of environmental/sustainability objectives.

2017-2021 Council Plan

This report supports the 2017-2021 Council Plan:

Goal

We are Sustainable

We will plan, research & advocate for the future:

By accurately understanding the constraints and opportunities that face our organisation, our community and our region.

The Non-Negotiables

Our team will make the best and most efficient use of Council's resources.

We are Inspired

What we do everyday:

We talk to, inform and engage with the people who live, work and visit in our community.

The Non-Negotiables

Our commitment to communicate and engage with our community about local decision making in a way that is clear, accessible and easy to understand.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

The Council Plan supports the aspirations and objectives of the Rural City of Wangaratta 2030 Community Vision.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Council Plan targets are not achieved leading to reputational risk	Low	High	Moderate	Identified unfavourable variances are being examined and addressed. Regular monitoring and reporting.

Conclusion

This report assists Council to monitor its performance in achieving the targets prescribed within the Council Plan.

Attachments

- 1 Council Plan Progress Report 1 July - 30 September 2018 [⇒](#)

13.2 SEPTEMBER 2018 QUARTERLY FINANCE REPORT

Meeting Type: Ordinary Council Meeting
Date of Meeting: 16 October 2018
Author: Manager Finance
File Name: Financial Management -Budgeting - Progress - 2018/19 Performance Reporting
File No: F17/941

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 provide an update of Council's year-to-date (YTD) financial performance to its Current Budget 2018/19. The Current Budget reflects the Adopted Budget, adjusted for carry overs adopted at the September 2018 council meeting.

RECOMMENDATION:

(Moved: Councillor H Benton/Councillor D Rees)

That Council reviews and endorses the September 2018 Quarterly Finance Report.

Carried

Background

Council has completed its first quarter financial reporting process to manage and monitor its financial position against budget.

Implications

Policy Considerations

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

Financial Implications

Quarter 1 Year to Date Summary

	Adopted Budget	Current Budget	YTD Actuals	YTD Current Budget	YTD Current Budget Variance	YTD Current Budget Variance
	2018/19 \$'000	2018/19 \$'000	2018/19 \$'000	2018/19 \$'000	2018/19 \$'000	2018/19 %
Income	59,363	60,848	37,971	38,145	(173)	0%
Expenses	56,826	57,319	14,686	14,307	(378)	-3%
Surplus (deficit) for the period	2,536	3,528	23,286	23,837	(552)	-2%
Capital Works Expenditure	38,760	39,593	4,467	6,492	(2,026)	-31%

Note that Commitments of \$4.2 million exist in relation to capital works expenditure at 30 September 2018.

Operating Result

Council's performance is overall worse than expected for the 3 months ended 30 September 2018, however this is mainly driven by higher than budgeted depreciation and employee benefits expenditure. Council's overall performance is within 2% of the budget for the 3 months to 30 September 2018.

When compared to Council's budget, Council's income results are within 0.45% of budget and expenditure results are within 3% of budget.

Income – favourable movements

1. Operating grant income is tracking ahead of budget by \$338,962 at the end of September 2018. This is a timing difference only as the two items causing the majority of the variance are the Owen's & Murray Multicultural Regional Area Partnership (OMMRAP) grant and the recurring grant from Creative Victoria for the Wangaratta Performing Arts and Convention Centre were received earlier than expected.

Income – unfavourable movements

1. Capital grant income is tracking behind budget by \$621,749. This variance is caused by differences in expected timing of receipt of capital grants only. All grants have been announced and confirmed by the State or Federal Governments and the grant amounts will be received over this financial year. The projects that have unfavourable variances are:
 - a. Wangaratta Aerodrome development \$28,196
 - b. Gallery feasibility study \$12,495
 - c. CBD masterplan - railway precinct \$37,485
 - d. Organics processing plant \$200,000
 - e. Roads to Recovery \$341,074

Expenditure – favourable movements

1. Materials and services expenditure is tracking 15% below budgeted expenditure. The majority of this variance relates to slight delays in expenditure and is not representative of significant savings through the remainder of the financial year. Further, in some instances Council has reviewed its working capital requirements and also identified instances where Council paid suppliers earlier than what was required. As such, approximately \$100,000 of the variance arises due to better cash management practices.

Expenditure – unfavourable movements

1. Employee benefits are higher than expected for the three months. This is substantially due to an increase of over \$400,000 in the provisions for annual leave and long service leave as a result of the new pay rates that became effective in August 2018. The Fair Work Commission approval process for Council's Enterprise Agreement was protracted and at the time of the budget approval it was not known when the approval would be granted. The approval in August 2018 has resulted in earlier than expected increases in the provisions to reflect the increase in employees' hourly rates by the higher of \$40 a week or 3.02%.
2. Depreciation expense is higher than budgeted and will continue in this way until 30 June 2019. This is caused by the 30 June 2018 revaluation of Council's road and drainage assets. Based on the unit rates provided by Council's Asset Engineer, the fair value of Council's infrastructure assets (excluding Waste Management and Recreational, Leisure & Community assets) increased by \$76.1 million (15%). Drainage and road assets were the largest contributors to this increase and as a result depreciation expense for the year ended 30 June 2019 and subsequent years will now be higher than previously budgeted. The increase in depreciation is a non-cash cost to Council and therefore does not affect the ability to fund the capital works program for 2018/19.

For further information of Council's Operating and Capital Works result year to date performance, refer to the September 2018 Financial Report. (***refer attachment***).

Capital Works

The 2018/19 capital works budget is \$39.6 million. This includes net carry over capital works of \$833,094 adopted at the September 2018 council meeting. At 30 September 2018 Council has delivered \$4.46 million, which represents approximately 11% of the annual budget amount.

Council has completed the following capital works in the last quarter:

- The reconstruction of Thomson Street. The project revitalised a 440 metre stretch of Thompson Street, with new kerb and channel, drainage and a 1.5 metre footpath on both sides of the street.

- The renewal of the Wangaratta Indoor Sports and Aquatics Centre roof. The basketball stadium roof was originally installed in 1974 and has now been replaced with 220 square metres of new colorbond steel.
- Council has signed off on the remediation of North Wangaratta Oval. The works involved removing 1,200 square metres of contaminated soil and placing it at the adjacent gun club. New drainage, irrigation, fencing, goal posts and turf have been put in place. Couch grass sprigs will be planted in the coming weeks, as a final step in bringing the surface back to playing condition.

A number of key projects are progressing.

- Major streetscape works at Moyhu are almost complete, with work to form the kerb and channel in the main street complete. The project involves new drainage, kerb and channel, a shared path and parking bays outside of the pre-school. In total the works are valued at \$693,000. The final steps are (i) Council replacing a water main and (ii) VicRoads resealing the road in the coming quarter.
- Civil works at the new organics processing plant are complete and the project is running ahead of schedule. The next phase of the project will involve construction and assembly of the plant and machinery, ahead of testing in early 2019.
- Five community consultation sessions have been held to update stakeholders on the Rural Community Planning project. The townships of Milawa and Peechelba will see works on the ground in the coming months with new bicycle racks and bins in Milawa and the construction of the Peechelba walking track. Implementation of other projects will largely be scheduled for the new year.
- The Wangaratta Central Business District (CBD) will see the next tranche of Christmas decorations in the coming months.
- Council has ordered new equipment in its drive to increase recycling across the municipality. In the coming months Council will take delivery of a polystyrene extruder which will allow residents to recycle polystyrene at the transfer station. Polystyrene takes up airspace in the landfill and never breaks down. It is commonly found in new household furniture and appliances in the form of packaging for transport. By offering this service at the transfer station, residents are able to reduce their polystyrene waste to landfill and have the option to recycle it, further increasing Council's diversion of waste from the landfill.
- Council is sealing a 3km section of road, linking Springhurst and Federation Way. The crushed rock is now in-situ, waiting for the sealing of the road in December 2018, subject to weather conditions.
- The extension of the Coronation Kindergarten is on track, notwithstanding a structural engineer's report found significant issues with the existing frame once it was fully exposed. The change to the project has meant a \$75,000 increase to the cost of the project, however it is still within the approved budget and is on track to be completed by the second week of December, in readiness for the 2019 kinder year.
- The piles and deck have been installed at the 40m long pedestrian bridge at One Mile Creek. The railings will be able to be folded down in times of flood, which will reduce the risk of debris being caught by the bridge and causing

- damage. The installation of the footbridge will link the path along One Mile Creek through to Turner Street which will in turn create a more direct thoroughfare for students and residents wanting to travel to the Barr Reserve.
- Improvements to the road network outside of the Turf Club will be completed by the end of October 2018, with construction of other Cruse street road and bridge infrastructure to commence in Quarter 3 and 4 of 2018.

Legal/Statutory

In accordance with section 127 of the *Local Government Act 1989* (the Act), Council must prepare a budget for each financial year. Additionally, section 136 of the Act requires Council to apply principles of sound Financial Management. Section 138 of the Act requires the Chief Executive Officer, at least every three months, to prepare a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date and to present this report to Council.

Social

Social benefits of the projects will occur this financial year as outlined in the 18/19 Budget.

Environmental/Sustainability Impacts

Council plans for and delivers a number of projects that support its Environmental Sustainability Strategy.

Economic Impacts

The economic impacts associated with sound financial management are positive for Council's ratepayers, the community and future generations.

2017 - 2021 Council Plan

This report supports the 2017 – 2021 Council Plan:

Goal

We are Sustainable

What we do everyday

We consistently focus on the achievement of the operational parameters framed in the annual budget

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Poor performance against	M	M	M	Regular monitoring and reporting

Risks	Likelihood	Consequence	Rating	Mitigation Action
budget				of budget position

Consultation/Communication

Consultation has been undertaken with Council managers and corporate management team and the matter is now ready for Council consideration.

Conclusion

September 2018 year-to-date Operating Result is largely on track when compared to the Current Budget 2018/19. Small timing differences in revenue and expenses exist but these are expected to be resolved by Christmas 2018.

Attachments

- 1 September 2018 Quarterly Finance Report [↗](#)

14. COMMUNITY WELLBEING

Nil

15. INFRASTRUCTURE SERVICES

Nil

16. DEVELOPMENT SERVICES

16.1 DRAFT WANGARATTA URBAN DESIGN FRAMEWORK - CONSIDERATION FOR COMMUNITY & STAKEHOLDER CONSULTATION

Meeting Type: Ordinary Council Meeting
Date of Meeting: 16 October 2018
Author: Principal Statutory Planner
File Name: Wangaratta UDF
File No: F18/134

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:

- Provide a background to the preparation of the Draft Wangaratta Urban Design Framework (the Draft UDF).
- Provide an outline of the findings and recommendations of the Draft UDF.
- Provide a summary of the next steps in the process required to finalise the UDF.
- Seek Council's endorsement of the Draft UDF for the purpose of public exhibition.

The draft UDF has been prepared for the Rural City of Wangaratta by Tract Consultants.

The goals of the UDF include:

- Establish a clear and integrated vision for the Wangaratta Central Activities Area (CAA).
- Guide the use and development of the Wangaratta CAA by detailing appropriate objectives and guidelines.

RECOMMENDATION:

(Moved: Councillor Fuller/Councillor Benton)

That Council:

1. ***endorses the Draft Wangaratta Urban Design Framework for community consultation;***
2. ***invites submissions regarding the Draft Urban Design Framework for the period of 2 months (commencing Wednesday, 17 October and concluding at the close of business on Friday 14 December***

2018);

- 3. If submissions are received, a further report detailing the recommended actions be presented to a future Ordinary Council meeting with the view to adopt the Draft Wangaratta Urban Design Framework; and**
- 4. If no submissions are received, resolves to adopt the Wangaratta Urban Design Framework.**

Carried

Background

Councils recently adopted CBD Master Plan (Hello City and Tract Consultants 2016) along with the Central Activities Area – Future Report (SMEC Urban 2013), both create a vision for the CBD and CAA respectively.

Both these documents have informed the need for the development of an Urban Design Framework, to translate this vision into the Wangaratta Planning Scheme.

In March 2018, Council appointed Tract Consultants to undertake the preparation of a UDF, following a public request to quote process. Tract have undertaken the development of the UDF to the point where a draft UDF has been completed.

What is an Urban Design Framework (UDF?)

Urban Design Framework can take shape in many forms, however they generally consist of a framework plan / strategy which outlines a vision for a specific area, it may include objectives to convey the vision and a set of detailed guidelines and local implementation plans to achieve the vision.

Specifically the draft UDF for Wangaratta seeks to:

- Enable the high level strategic aspirations of the CAA framework Plan (CBD Masterplan) to be implemented in detail.
- Consider a broad range of key CBD issues including future land uses, economic opportunities, activation, heritage values, public space improvements, public/private interfaces, place making opportunities, integrated transport planning, access, circulation and parking and community infrastructure.
- Provide a clear course of action for delivery of capital works, public infrastructure and amenities, advocacy and planning scheme recommendations.
- Draft planning scheme policies and controls which consider the most appropriate mechanisms for implementing key recommendations from the issues and opportunities analysis.

What the UDF Proposes:

The draft UDF seeks to guide development across the CAA through the introduction of key objectives and guidelines shaped specifically around the four main themes:

- Activity and Growth.
- Movement and Access.
- Built Form.
- Public Realm and Streetscaping.

The following summary provides the key elements of each theme:

Activity and Growth.

The Activity and Growth Framework seeks to support development that contributes to the vibrancy and revitalisation of Wangaratta Central Activities Area, whilst preserving the existing regional character and history of the city.

Movement and Access.

Objectives include to:

- *Promote walking and cycling as the safest, most convenient and enjoyable way to get around the Wangaratta CBD.*
- *Increase pedestrian safety and street crossings.*
- *Slow vehicle traffic at key intersections to increase pedestrian safety.*
- *Improve the Wangaratta Central Activities Area arrival experience.*
- *Provide clear open space links from the CBD, through to parks and the King and Ovens Rivers for pedestrian and cyclist priority movement.*

Built Form.

All new land use and development including redevelopment within the Central Activities Area should incorporate good design by:

- *Responding to the surrounding context including integration with the public realm, is proportional in scale and recognises existing heritage values.*
- *Improving the appearance of the CBD as a business, community residential, tourism and entertainment area.*
- *Being innovative in responding to potential amenity issues on neighbouring sites and the surrounding public realm, such as access to sunlight, noise and building servicing.*
- *Respecting Wangaratta's existing heritage fabric and contribute to the creation of an active and interesting streetscape.*

Specifically the UDF incorporates guidelines to achieve good design in the built form outcome, through providing direction around the following areas:

- Scale, Massing and Setback
- Active Streets and Signage

- Weather Protection
- Accessibility

Public Realm and Streetscaping.

The Streetscape framework outlines Council's aims and approach to the upgrading and improvement to the public realm within the CAA and includes guidance for Council in the form of:

- A Public Realm Works Checklist.
- Streetscaping Guidelines
- Hard and Soft Landscaping Materials Palette.

Recommended Planning Scheme Outcomes:

Key recommendations of the UDF are proposed to be translated into the Wangaratta Planning Scheme through a future planning scheme Amendment.

A summary of the proposed changes to the Scheme are outlined in Section 5 of the UDF, and the following two major changes are discussed below:

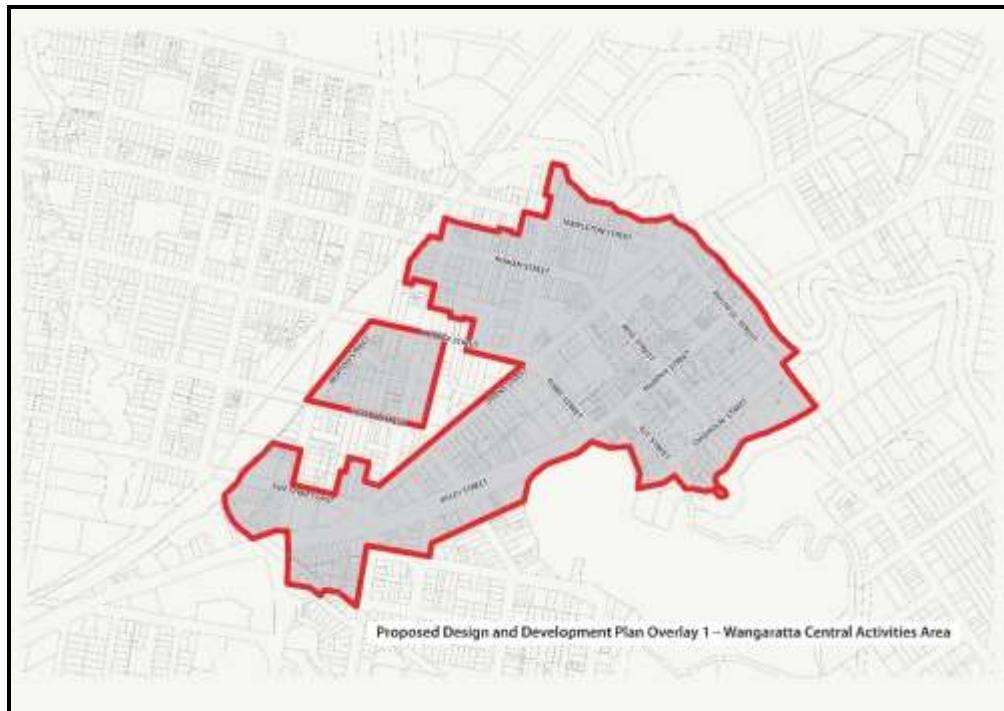
Clause 21.11 (Local Areas)

It is recommended that the CAA section of this clause be redrafted, to include the introduction of a new CAA map which demonstrates key recommendations and outcomes of the UDF, highlights key development sites, landmarks and pedestrian links.

Clause 43.02 - 1 (Design and Development Overlay – Schedule 1 – Wangaratta Central Activities Area).

Major revision to this Overlay includes:

- The introduction of new guidance and policy describing the design outcomes sought by the UDF within the CAA, for example relating to built form setbacks, respecting existing heritage, the creation of active street frontages, signage guidance, weather protection and the incorporation of Environmentally Sensitive Design (ESD) principles.
- The expansion of the area to which the DDO applies, noting that this control is proposed to cover the majority of the CAA, with the exception of the main residential areas. These areas are excluded as the controls within the UDF do not relate to the built form outcomes that can be achieved within a residential context. The new area is outlined below in the map.



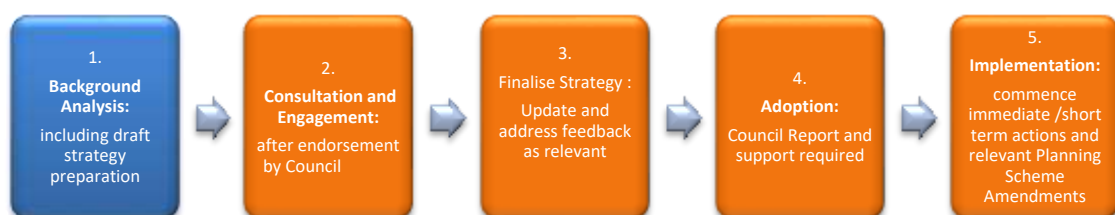
How will the draft UDF influence Councils role outside the Planning System:

It is important to note that the draft UDF has broader recommendations for Council that will be situated outside the planning scheme. For example upgrade works undertaken by Council within the public realm will be guided by the draft UDF including the development of streetscapes, pedestrian crossings and general maintenance and renewal of CBD infrastructure.

The UDF is designed to provide Council with a consistent palette and options in the form of a 'tool kit of parts' to enable works to be consistent across the area.

Process of the Urban Design Framework Development

The chart below outlines the basic steps in the process of the draft UDF, including development, community engagement, formalisation, adoption and finally implementation.



The blue box indicates the steps that have been undertaken to date and the orange boxes indicate the steps still required to finalise the Strategy.

This report is before Council recommending endorsement of the draft UDF for the purpose of progressing to Step 2, which involves consultation with the broader community.

Implications

Policy Considerations

The Draft UDF is a key document recommended by Councils adopted Wangaratta CBD Masterplan.

Financial Implications

The development of the UDF has been funded within the 2017/18 and 2018/19 budget years.

A future planning scheme amendment will be required to integrate the recommendations into the Planning Scheme, there may be future costs associated with this in the form of officers time, panel costs and amendment fees as required.

Legal/Statutory

The adoption of this Strategy will lead to further strategic planning work, including future amendments to the Wangaratta Planning Scheme. The content of these planning scheme amendments will depend upon the final adopted UDF and draft policies have been included for community consultation.

Social

The draft UDF has been designed to guide the future of the CAA, including supporting the retention of the CAA's Heritage fabric and the establishment of a vibrant pedestrian friendly CBD.

Environmental/Sustainability Impacts

The UDF supports the principles of good urban design within both the private and public realm, including the further greening of the CAA. ESD principles are also imbedded for consideration in the designing of new buildings to ensure that buildings operate in the most energy efficient manner, reducing on-going cost for business and creating a healthy and liveable environment.

Economic Impacts

The UDF is designed to promote an active, attractive and pedestrian friendly CAA which will encourage social interaction within the public realm and therefore lead to positive economic impacts to the local business community.

Referrals/Public Notice

2013 – 2017 Council Plan (2015 Revision)

This report supports the 2013-2017 Council Plan:

Goal

We are Growing

We will create and deliver:

enhanced urban areas with vegetation corridors for environmental, recreational and aesthetic benefit to the

We will plan and make decisions for the future:

that encourage growth in Wangaratta's CBD and establish it as a regional retail centre.

The non-negotiables

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

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

The UDF supports the following elements of the 2030 Community Vision:

- *Develop a detailed future plan for the Wangaratta central business district.*
- *Facilitate an ongoing extension to pedestrian and cycling linkages across the Rural City of Wangaratta.*
- *Identify opportunities to improve community safety and accessibility through future planning controls.*

Consultation/Communication

This report to Council is for the purpose of considering the draft UDF for community consultation.

Options for Consideration

Option 1: Recommended

Consider the draft UDF and endorse the draft for community consultation for a period of three weeks commencing immediately following the meeting. This will allow the community of Wangaratta and other stakeholders to consider the draft and provide feedback for Councils consideration.

Option 2: Not Recommended

Do not endorse the draft UDF for consultation. This will continue the present policy vacuum that exists within the Wangaratta Planning Scheme with regards to urban design and will lead to continued uncertainty for the community and Council alike.

Conclusion

The draft UDF has been prepared by experience personnel in this field with input from a range of Council business units and is now considered to be at a stage for community consultation. Council should endorse the draft Strategy, for the purpose of public consultation and that the draft Strategy be publically exhibited for a minimum period of one month.

Attachments

- 1 Draft Wangaratta UDF [📄](#)

Public Questions

Brain Fox asked if Council could extend the public consultation period to a minimum of two months.

Mayor Ken Clarke responded that we would get nothing done if the indication of people sitting in the gallery tonight is tantamount to people who are interested in looking at documents that we produce. If we waited for two months it would be exactly the same as what it is for one month.

Anne Dunstan asked if there was a view from Council to remove all the current brick paving from the current footpaths as they are dangerous.

Barry Green responded that the idea behind having a document like this is to guide our Infrastructure team when they are programming works. We do have consistency in the approaches and one of the things that has been raised are those glazed bricks, particularly in Reid Street on the slope when they get wet. We have had a number of instances of slippage and a document like this guides this and the aim is to reduce that dangerous type of surfacing and bring in a more consistent level of paving within the CBD.

16.2 PLNAPP18/105 - DEVELOPMENT OF A DWELLING AND DEMOLITION OF SHED AND FENCE - 16A CRISP STREET WANGARATTA

Meeting Type: Ordinary Council Meeting
Date of Meeting: 16 October 2018
Author: Planner
File Name: Planning Application
File No: PInApp18/105

Executive Summary

This application is for the development of a dwelling on a lot less than 500 square metres in area and which is affected by the Heritage Overlay. The proposed dwelling is single storey and includes four bedrooms and a double garage with a minimum front setback to Crisp Street of four metres. The proposal also includes the removal of the existing shed and front fence.

Formal notice of the application was given to nearby affected land owners and occupiers on 31 July 2018. At the time of writing this report a total of four submissions have been received, all of which object to the proposed development.

This report is presented to Council following receipt of these four objections.

RECOMMENDATION:

(Moved: Councillor D Rees/Councillor M Currie)

That Council resolves to:

- 1. Issue a Notice of Decision to Grant a Planning Permit with respect to Planning Permit Application 18/105 for Development of a Dwelling and Demolition of Shed at 16A Crisp Street Wangaratta, in accordance with the permit conditions contained within attachment 1; and***
- 2. Advise the applicant and all submitters of Councils decision***

Carried

Property Details

The subject land is located within an established residential area approximately 800 metres south of the Wangaratta Central Activities Area. The lot is located on the north side of Crisp Street approximately 30 metres to the east of the intersection of Crisp Street and Roger Street. The lot is rectangular in shape and has an area of 382 square metres. The land is relatively flat and contains an existing shed. A Colorbond fence and gate stretches along the perimeter of the lot. One dwelling is located on the adjacent lot to the west. The adjacent lot to the north contains an existing dwelling and also has a secondary access way which

is approximately 4 metres wide and runs along the eastern boundary of the subject land. A lot further east and adjacent to that access way contains one dwelling. The subject land does not contain any significant vegetation.

The surrounding area is characterised by typical residential density lots between 500 square metres and 1000 square metres in area and many containing one single dwelling. The style of housing in the local area is typically older single storey brick or weatherboard dwellings with steel roof. Typical street setbacks are between five and ten metres. The area is affected by a Heritage Overlay which recognises the heritage significance of the majority of dwellings in the area and the heritage streetscape within the local precinct. The established vegetation located within the road reserve and the consistent height and roof styles of dwellings within the street contribute to the heritage value of the streetscape.

Permit Triggers

Land/Address	16A Crisp Street Wangaratta VIC 3677
Zones and Overlays	Neighbourhood Residential Zone – Schedule 1 Heritage Overlay – Schedule 20
Why is a permit required?	Construction of one dwelling on a lot less than 500 square metres (Clause 32.09-5). Demolition of a building (Clause 43.01-1). Construction of a dwelling (Clause 43.01-1).

Proposal in Detail

This application is for the construction of a dwelling and the demolition of a shed and front fence.

Construction of a dwelling

The proposal is to construct a single storey four bedroom dwelling with a total floor area of approximately 224 square metres. In addition to the four bedrooms, the proposed dwelling includes two bathrooms and toilets, laundry, kitchen, lounge, meals area and living area. An alfresco area is proposed at the rear of the dwelling adjacent to an area of secluded private open space. The design also includes a front porch.

A double garage is proposed along the western lot boundary and is to be setback approximately 1.8 metres behind the front wall of the proposed dwelling. The front wall of the proposed dwelling is to be setback four metres from the lot frontage to Crisp Street. A 5000 litre water tank is proposed at the north eastern corner of the subject land. Access to the proposed dwelling is to be via an existing crossover located at the south western corner of the subject land and a proposed drive way along the western lot boundary.

Demolition of shed and front fence

The proposal includes the demolition of an existing shed on the subject land. The shed is approximately 30 square metres in area and is of no heritage significance.

The proposal includes the removal of the existing Colorbond front fence which is approximately 1.8 metres in height.

Summary of Key Issues

The following are the key issues raised by objectors about the proposal and discussed later in this report.

- Heritage and neighbourhood character
- Amenity
- Drainage
- Construction issues

Assessment under the Planning and Environment Act 1987

Relevant Planning Provisions

Section	Clause	Provision
State Planning Policy Framework	15	Built Environment and Heritage
	16	Housing
Local Planning Policy Framework	21.02	Settlement
	21.06	Built Environment and Heritage
	21.07	Housing
	22.06	Heritage Places and Precincts
Zones	32.09	Neighbourhood Residential Zone
Overlays	43.01	Heritage Overlay
Particular Provisions	52.06	Car parking
	54	One Dwelling on a Lot
Decision Guidelines	65.01	Approval of an application or a plan

Referrals

There was no requirement to refer the application to any referral agencies under the Planning and Environment Act 1987.

Internal Departmental Advice

Department	Response
Heritage Advisor	No objection
Technical Services	No objection subject to conditions.

Advertising

The application was advertised on 31 July 2018 under Section 52 of the Planning and Environment Act 1987, to all land owners and occupiers who could be affected by the proposal.

Four submissions have been received. All submissions are considered to be objections to the proposal.

Concerns raised by objectors with respect to the proposal are summarised as follows;

Ground for Submission	Concern Raised	Comments/Response
Heritage and Neighbourhood Character	<p>The proposed dwelling is not consistent with the existing heritage neighbourhood character of the local area.</p> <p>The size of the proposed dwelling is not consistent with the existing heritage neighbourhood character of the local area and is too large for the subject lot.</p>	<p>Not supported: The proposal is for infill development. Council's Heritage Advisor provided advice that infill development should not be designed to imitate heritage buildings so that the new development is easily distinguishable from heritage buildings. Some elements which are important to consider for infill development are that the development should be constructed of similar materials, have similar window proportions, similar colours, similar roof pitch and similar setbacks to ensure that the development is consistent with streetscape character. The proposal has incorporated these elements into the design and is considered to be an appropriate infill development in the heritage context.</p> <p>The size of the proposed dwelling is generally consistent with the size of dwellings within the local area. It is acknowledged that the subject land is a small lot in the local context and therefore the proposed dwelling would cover a greater proportion of the subject lot than typical dwellings in the local area. This however will not have an adverse impact upon the heritage neighbourhood character of the area because the proposed dwelling includes typical front and side setbacks for the local area and therefore the proposed dwelling will be consistent with streetscape character.</p>
Amenity	The proposed dwelling may cause adverse impacts on the adjacent dwelling to the west through overshadowing.	The western wall of the proposed dwelling is to be setback 1 metre from the western lot boundary and the western wall of the proposed garage is to be setback 0.17 metres from the western lot boundary for a distance of 6.8 metres. These setback distances comply with the standards of Clause 54. The proposed dwelling will cause some overshadowing along the

		<p>eastern wall of the adjacent dwelling to the west. This will result in some reduction of sunlight to the two windows located along the eastern wall of the adjacent dwelling. As the affected windows on the adjacent property are east facing there is no standard under Clause 54 which protects access to sunlight for those windows. Clause 54 does include a standard which protects sunlight to north facing windows.</p> <p>The proposed dwelling may cause adverse impacts on the adjacent dwelling to the west through reducing daylight to existing windows.</p> <p>A standard under Clause 54 does apply which protects sunlight to existing windows of adjacent dwellings and requires that a minimum one metre wide light court must be maintained. The adjacent dwelling will retain the minimum one metre wide light court and therefore complies with the standard.</p>
Drainage	There are existing drainage issues in the local area which may be exacerbated by the proposal.	Council's Technical Services Unit provided advice that the operation of the drainage network within the local area does have significant issues. The subject land has a Section 173 Agreement registered on title requiring a stormwater detention tank to be installed and such a tank has been shown on the plans. This tank will perform the function of ensuring that stormwater run-off is maintained at pre-development levels and therefore will ensure that the existing issues with drainage in the local area are not exacerbated.
Construction	The construction of the proposed garage and ongoing maintenance of the gutters of the proposed garage may require access to the adjoining lot to the west in separate ownership.	The planning scheme does not require applications for development to be assessed on the basis of how the construction of that development will occur. This is a matter which is addressed under building legislation. The ongoing maintenance of a building is a civil matter and not a relevant planning consideration.

Relevant Provisions under the Wangaratta Planning Scheme

Planning Policy Framework

Clause 15 – Built Environment and Heritage

This policy provides broad guidance for development. The most relevant objective this policy seeks to implement is to ensure that development is appropriately designed with respect to the context of its location and local neighbourhood character including heritage values. The proposed development has been designed to be consistent with local neighbourhood character and is an appropriate infill development within a heritage precinct.

Clause 16 – Housing

This policy provides broad guidance for housing. The most relevant objective this policy seeks to implement is to ensure that a diversity of housing types is provided and to increase the proportion of new housing which is provided within established urban areas while respecting neighbourhood character. The proposal is consistent with this policy because it provides for a medium density dwelling within an established urban area which responds to its cultural context with regard to neighbourhood character.

Municipal Planning Strategy

Clause 21.02 – Settlement

This local policy sets out the direction for settlement within the municipality and provides for the majority of residential growth to occur within the urban area of Wangaratta. Of particular relevance to this application are the following strategies:

- *Strategy 2.4 Support infill development on larger, and corner lots in established residential areas.*
- *Strategy 2.7 Limit infill development in the Neighbourhood Residential Zone.*
- *Strategy 2.9 Protect residential neighbourhoods with heritage and/or environmental constraints as areas of minimal change.*
- *Strategy 3.2 Support infill development and brownfield site regeneration.*

The subject land was formerly part of a corner lot which was recently subdivided and therefore is supported by Strategy 2.4. The proposal represents infill development and contributes to efficiently accommodating additional housing for Wangaratta and is therefore supported by Strategy 3.2. Although Strategy 2.7 discourages infill development within the Neighbourhood Residential Zone, the proposed development is a type of infill development which will not adversely impact upon neighbourhood character. Furthermore, the appropriateness of the subject land for infill development in that location was previously determined upon approval of the subdivision which created the subject lot. The proposed development has been designed to respect the heritage character of the local area and is therefore consistent with Strategy 2.9.

Clause 21.06 – Built Environment and Heritage

Clause 21.06-3 (Heritage, Built environment and heritage) identifies the importance of protecting heritage places within the municipality and sets out strategies to implement this policy. The most relevant strategy to this application is:

- *Strategy 1.1 Protect the scientific, aesthetic, architectural, cultural, historical and social significance of heritage buildings, sites and precincts.*

The proposed development is an appropriate infill development which has been designed to respect the heritage character of the area by having similar roof style, colours, materials, window proportions and setbacks while also being readily distinguishable from surrounding heritage buildings. The proposal is therefore considered to be consistent with the strategy to protect the heritage precinct from inappropriate development.

Clause 21.07 – Housing

Clause 21.07-1 (Residential development, Housing) identifies a lack of diversity of housing types within the municipality and sets an objective to provide for a diversity of housing stock in the Wangaratta urban area. The key strategies to implement this objective which are relevant to this application are:

- *Strategy 1.1 Facilitate well-located medium density housing including shop top housing within the Central Activities Area and identified infill development areas, and on corner lots.*
- *Strategy 1.2 Protect areas of heritage value, neighbourhood character and court or cul de sac locations from development that will undermine the character or amenity of these areas.*

The proposed development is supported by Strategy 1.1 because the subject lot was formerly part of a corner lot which was recently subdivided. The proposed development will not adversely impact on the heritage character of the local area as discussed elsewhere in this report and is therefore consistent with Strategy 1.2.

Clause 22.06 – Heritage Places and Precincts

Clause 22.06 (Heritage places and precincts) sets out a range of objectives directed towards preserving places of heritage significance. A series of policies are set out to achieve this objective and the most relevant are:

- *Encourage new development to be respectful of the scale, form, siting and setbacks of nearby significant and contributory buildings.*
- *Allow the demolition of part of a heritage place if it will not affect the significance of the place and the proposed addition is sympathetic to the scale and form of the place.*

The proposed demolition of the existing shed and front fence are consistent with this policy because neither structure contributes to the heritage significance of the

place. The proposed development respects the scale, form, siting and setbacks of nearby buildings which contribute to the heritage character of the precinct and is supported by Council's Heritage Advisor.

This local policy also sets out a series of decision guidelines. The relevant decision guidelines are addressed below:

- *The extent to which the application meets the objectives and directions of this policy.*

As outlined above, the proposal is consistent with this policy.

- *The statement of significance for the heritage place or precinct.*

The statement of significance identifies the heritage precinct as illustrating the pattern of Wangaratta's suburban development in the twentieth century. The proposed development is respectful of the heritage character of the precinct.

- *The views of Council's heritage adviser, where sought by Council.*

This application was referred to Council's Heritage Advisor who advised that the proposal was an appropriate infill development and the design is consistent with neighbourhood character with regard to roof style, window proportions, street setback, height, materials and colours.

- *Heritage studies and all available documentation.*

The Wangaratta Heritage Study, 2004 has provided information about the heritage precinct which has been used to assess the application.

- *The permit history of the land.*

The subject land was recently created as part of a subdivision under permit PInApp13/196. The suitability of the subject land for infill development was decided as part of the assessment of that application.

- *Heritage precinct statements of significance (where relevant)*

The statement of significance for the heritage precinct has been considered and the proposal will not adversely impact the heritage significance of the precinct.

- *Cultural significance of the building, work, tree, object or site.*

The existing vacant lot does not contribute to the heritage significance of the precinct.

- *Whether the proposed design, building materials, colours or general appearance of the alterations will detrimentally affect the architectural or historical character or appearance of the existing building/s, work/s, object/s, site or streetscape.*

The proposed design respects the predominant housing style of the local area and will not adversely impact upon the heritage streetscape.

- *Whether any new or replacement front fences are appropriate to the architectural style of the building and interpret the prevailing character in the immediate environs, in particular the prevailing height, form, materials and degree of transparency.*

The proposal includes the demolition of the existing front fence with no replacement front fence proposed. Front fencing within the local area is typically relatively short. It is therefore considered that no front fencing will not adversely impact upon streetscape character.

- *Whether the design of new infill buildings are compatible with, and recessive to, the significance of the heritage precinct with particular reference to any adjoining heritage places.*

The proposed dwelling has been designed to ensure that it does not dominate the streetscape.

- *Whether vehicle crossovers and parking areas proposed to be located at the front of contributory heritage places – vehicle crossovers, if necessary, should be located to the rear or to the side of a heritage place.*

The proposed dwelling is to make use of an existing crossover located at the south western corner of the subject land and provides access to the proposed garage which is to be setback behind the front wall of the dwelling. The proposed garage and drive way is not expected to impact upon the heritage character of the local area.

Zoning

Neighbourhood Residential Zone

The subject land is located within the Neighbourhood Residential Zone. The use of land for one dwelling per lot is a Section 1 Use in the Neighbourhood Residential Zone pursuant to Clause 32.09-2 (Table of Uses, Neighbourhood Residential Zone) and therefore does not require a permit.

Pursuant to Clause 32.09-4 (Minimum garden area requirement, Neighbourhood Residential Zone) there is no minimum garden area requirement for a lot under 400 square metres. The subject lot is 382 square metres in area.

Pursuant to Clause 32.09-5 (Construction and extension of one dwelling on a lot, Neighbourhood Residential Zone) a permit is required for the development of one dwelling on a lot less than 500 square metres in area. The subject lot is 382 square metres in area.

The purpose of the Neighbourhood Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The proposed development is consistent with the existing neighbourhood character and provides for appropriate infill housing which addresses the heritage character of the area.

The relevant decision guidelines of the zone pursuant to Clause 32.09-12 (Decision guidelines, Neighbourhood Residential Zone) are addressed below:

- *The Municipal Planning Strategy and the Planning Policy Framework.*

The Municipal Planning Strategy and Planning Policy Framework are addressed previously in this report.

- *The purpose of this zone.*

The proposed development is consistent with the existing neighbourhood character and provides for appropriate infill housing which addresses the heritage character of the area.

- *The objectives set out in the schedule to this zone.*

There are no objectives set out in the schedule to this zone.

- *Any other decision guidelines specified in a schedule to this zone.*

There are no other decision guidelines specified in the schedule to this zone.

- *For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.*

Clause 54 (One dwelling on a lot) is addressed later in this report.

Overlays

Heritage Overlay – Schedule 20

The subject land is affected by the Heritage Overlay and Schedule 20 applies. Schedule 20 identifies the heritage place as being 'The Water Tower District' and identifies the significance of the place is because it provides an illustration of the pattern of Wangaratta's suburban development in the twentieth century. Pursuant

to Clause 43.01-1 (Permit requirement, Heritage Overlay) a permit is required for buildings and works.

The relevant decision guidelines of the Heritage Overlay pursuant to Clause 43.01-8 (Decision guidelines, Heritage Overlay) are addressed below:

- *The Municipal Planning Strategy and the Planning Policy Framework.*

The Municipal Planning Strategy and Planning Policy Framework are addressed previously in this report.

- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*

The statement of significance for the heritage place does not identify any natural or cultural significance.

- *Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.*

The statement of significance for the heritage place identifies the subject land as being contributory to the significance of the heritage precinct. This is a result of the subject land formerly being the rear yard of the dwelling at 2 Roger Street prior to a recent two lot subdivision. The statement of significance describes the precinct as including a mix of older and more recent dwellings and identifies the significance of the precinct is because it provides an illustration of the pattern of Wangaratta's suburban development in the twentieth century.

The proposed development addresses the heritage significance of the local area by providing a modern building which is readily distinguishable from nearby heritage buildings whilst also being consistent with neighbourhood character with regard to roof style, window proportions, street setback, height, materials and colours. The proposed development was assessed by Council's Heritage Advisor who considers the proposal to be suitable infill development within an established heritage area.

- *Any applicable heritage design guideline specified in the schedule to this overlay.*

The schedule to this overlay does not include any heritage design guideline.

- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*

The design of the proposed dwelling respects the predominant character of the local area with regard to the way the dwelling will appear from the street. The setback, architectural style and colours have been designed to complement the streetscape character.

- *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*

The surrounding buildings are of similar proportions and colours. The setbacks are consistent with nearby dwelling.

- *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*

The existing shed and front fence both of which are proposed to be demolished, do not contribute to the heritage significance of the local area. It is therefore appropriate that they are demolished.

- *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

The proposed development is not expected to adversely impact upon the heritage values of the local area.

Particular Provisions

Clause 52.06 – Car parking

The proposed dwelling includes four bedrooms which equates to a car parking requirement of two car parking spaces pursuant to Clause 52.06-5 (Number of car parking spaces required under Table 1, Car parking). The two required car parking spaces are to be provided in the proposed double garage.

Clause 54 – One dwelling on a lot

Std No.	Description	Assessment Comments	Complies?
A1	<i>Neighbourhood character</i> <i>The design response must be appropriate to the neighbourhood and the site.</i> <i>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</i>	The scale of the development is considered appropriate for the area and the design and materials are consistent with surrounding dwellings.	✓
A2	<i>Integration with the street</i> <i>To integrate the layout of development with the street.</i>	The proposed dwelling is orientated towards Crisp Street.	✓
A3	<i>Street setback</i> <i>Minimum Setback from front</i>	There is no dwelling facing the same street on either side of the	✓

Std No.	Description	Assessment Comments	Complies?
	street (m).	subject land therefore the setback standard is 4 metres. The proposed setback is 4 metres and therefore complies with this standard.	
A4	Building Height 9 metres maximum	The development has a maximum height of approximately 5.78 metres.	✓
A5	Site Coverage 60% maximum coverage	The proposal has an approximate site coverage of approximately 59%.	✓
A6	Permeability Pervious surfaces 20% min	Approximately 30% of the site will be covered by permeable surfaces.	✓
A7	Energy Efficiency <i>Orientation</i> <i>Living areas located on the north side of development.</i> <i>Maximise north facing windows</i>	The proposal locates living areas predominantly to the north of the dwelling.	✓
A8	Significant trees objective <i>Development should provide for the retention or planting of trees, where these are part of the neighbourhood character.</i> <i>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</i>	No significant trees are located on the site.	✓
A10	Side and rear yard setbacks <i>Side or rear setbacks - 1 m plus 0.3m for every metre of height over 3.6 m up to 6.9m, plus 1m for every metre over 6.9m</i>	All side and rear setbacks are at least 1 metre with the exception of the proposed garage located within 200mm of the western lot boundary. The proposed dwelling is single storey and the height of the roof does not encroach into this setback standard.	✓

Std No.	Description	Assessment Comments	Complies?
A11	Walls on boundary <i>A new wall constructed on or within 200mm of a side or rear boundary of a lot or carport constructed on or within 1m of a side or rear boundary should not abut a boundary for a length of no more than – 10m plus 25% of the remaining length of the boundary of an adjoining lot</i>	The proposal includes the construction of the western wall of the double garage along the western lot boundary. The wall is to abut the boundary for a distance of approximately 6.8 metres which complies with the standard.	✓
A12	Daylight to existing windows <i>Impact on existing dwellings</i>	The existing dwelling located on the adjacent lot to the west will continue to have access to the minimum light court required under this standard because the light court is provided on the adjacent lot. The height of the western wall of the proposed garage is less than 3 metres therefore complies with this standard. All other adjacent dwellings are several metres from the proposed dwelling.	✓
A13	North facing windows <i>North facing habitable rooms</i>	The proposed dwelling will not impact upon any north-facing windows of habitable rooms of any existing dwellings.	✓
A14	Overshadowing Open Space <i>The impact of the proposal on the amenity of existing dwellings and their private open space areas</i>	The proposed dwelling will not significantly overshadow any existing private open space because it is not sited to the north of any existing dwelling.	✓
A15	Overlooking <i>Habitable room windows balcony, terrace, deck or patio should be located and designed to avoid direct views into a secluded private open space of an existing dwelling. Views should be measured from a height of 1.7metres</i>	The proposed dwelling is single storey and will not provide any opportunity for overlooking.	✓

Std No.	Description	Assessment Comments	Complies?
	<i>above floor level with a horizontal distance of 9m and a 45-degree angle for the setback.</i>		
A16	<p>Daylight to new windows <i>A window in a habitable room should be located to face:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</i> <input type="checkbox"/> <i>A verandah provided it is open for at least one third of its perimeter, or</i> <input type="checkbox"/> <i>A carport provided it has two or more open sides and is open for at least one third of its perimeter.</i> 	All proposed windows are setback at least one metre from a boundary therefore will have access to a sufficient light court.	✓
A17	<p>Private open space <i>An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room.</i></p>	The dwelling is provided with sufficient private open space at the rear of the dwelling and conveniently located adjacent to the alfresco area and conveniently accessible from the living area. There will be at least 25 square metres of Secluded Private Open Space with a minimum dimension of 3 metres accessible from the main living space of the dwelling.	✓
A18	<p>Solar access to open space <i>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</i></p> <p><i>The southern boundary of secluded open space should be setback from any wall on the north side of the space at</i></p>	The Secluded Private Open Space is located at the north of the dwelling and therefore receives sufficient sunlight.	✓

Std No.	Description	Assessment Comments	Complies?
	<i>least (2+0.9h metres, where 'h' is the height of the wall.</i>		
A19	Design Detail <i>To encourage design detail that respects the existing or preferred neighbourhood character.</i>	The proposed dwelling is to have rendered walls and a steel roof. This is consistent with neighbourhood character.	✓
A20	Front fence objective <i>To encourage front fence design that respects the existing or preferred neighbourhood character.</i>	The existing front fencing is to be removed and no replacement front fencing is proposed. Existing dwellings in the local area generally have relatively low front fencing. The absence of front fencing will adversely impact upon the streetscape and will be a vast improvement on the existing high fencing.	✓

Decision Guidelines

Clause 65.01 – Approval of an application or plan

The decision guidelines under Clause 65.01 (Approval of an application or plan, Decision guidelines) are addressed below:

The matters set out in section 60 of the Act.

- *The Municipal Planning Strategy and the Planning Policy Framework.*

The Municipal Planning Strategy and Planning Policy Framework are addressed previously in this report.

- *The purpose of the zone, overlay or other provision.*

The purposes of the zone, overlay and other relevant provisions are addressed previously in this report.

- *Any matter required to be considered in the zone, overlay or other provision.*

All matters required to be considered under the zone, overlay and other relevant provisions are addressed previously in this report.

- *The orderly planning of the area.*

The proposal is for an infill development which provides for an additional dwelling within an established residential area and is therefore consistent with the orderly planning of the area.

- *The effect on the amenity of the area.*

The proposed development is associated with a residential land use and the subject land is within a residential zoned area therefore there are not expected to be any amenity impacts as a result of the development.

- *The proximity of the land to any public land.*

There is no public land in close proximity to the subject land.

- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*

The proposal is not expected to impact upon land degradation, salinity or water quality.

- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*

The proposed development is not expected to adversely impact on the quality of stormwater within and exiting the site.

- *The extent and character of native vegetation and the likelihood of its destruction.*

There is no native vegetation on the subject land.

- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*

There is no native vegetation on the subject land.

- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

The subject land is not prone to any identified erosion or flood hazard. The subject land is located within a Bushfire Prone Area however this will be addressed under building legislation.

- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

The proposed dwelling includes sufficient space to accommodate loading and unloading of vehicles in a safe manner.

Consultation

The planning application was advertised as per the notification requirements for the *Planning and Environment Act 1987*. Four objections were received. A conciliation meeting was held on 5 September 2018 with Objectors, the Applicant and Council's Heritage Adviser in attendance.

Implications

Policy Considerations

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

Financial/Economic Implications

The proposal does not have any impact on Council's financial resources as such. Should the matter be referred to the Victorian Civil and Administrative Tribunal then Council will likely incur costs in defending a position on the application.

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*.

Social and Economic impacts

Section 60 of the Planning and Environment Act requires Council to consider any significant social and economic effects of the use and development.

Clause 71.02 Operation of the Planning Policy Framework - Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

This report has provided information that demonstrates that the heritage of the area will not be affected by the proposal and that it meets the requirements of orderly planning for the area as it is a dwelling in a residential zoned area. The subdivision of the land highlighted the opportunity for residential development to take place when it was approved under permit number 13/196.

Environmental/Sustainability Impacts

The proposal is classified as infill development. State and local planning policy aims to ensure that where possible residential housing is close to services and facilities which are found in main towns such as Wangaratta facilitating orderly planning of the area. As such this development has positive environmental and sustainability impacts as it is close to the town centre, makes the best use of available land and ensures development occurs in appropriate locations.

2017 – 2021 Council Plan (2016 Revision)

This report supports the 2017-2021 Council Plan:

Goal

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 thriving

We will plan, research and advocate for the future to ensure the health and social needs of our community are understood and considered.

We are growing

Our residential, rural, commercial and industrial land is thoughtfully and appropriately protected, planned and developed.

We ensure new developments comply with 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 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.

We are inspired

Our commitment to communicate and engage with our community about local decision making in a way that is clear, accessible and easy to understand.

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 Permit – Applicant appeals decision at VCAT	High	Low	Moderate	Representation of Council at VCAT
Notice of Decision to Grant a Permit – Objector/s appeal decision to VCAT	Moderate	Low	Moderate	Representation of Council at VCAT
Notice of Decision to Grant a Permit – Applicant appeals permit conditions at VCAT	Very low	Low	Low	Representation of Council at VCAT

Consultation/Communication

Level	of	public	Promises	to	the	Tools/Techniques
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participation	public/stakeholders	
Inform	Notify potentially affected parties of the application.	Notice of Application sent to the owners and occupiers of nearby properties.
Consult	All submissions to the application will be considered.	All submissions have been reviewed and summarised in this report along with response to concerns raised. A conciliation meeting was held on 5 September 2018 with applicant and objectors to discuss concerns raised in the objections.
Involve	Opportunity to make a submission.	Notice of Application sent to the owners and occupiers of nearby properties.

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

Options for Consideration

Issue a Notice of Decision to Grant a Permit (NOD) with respect to Planning Permit PlnApp18/105 for Development of a Dwelling and Demolition of Shed and Fence at 16A Crisp Street Wangaratta.

OR

Refuse the application for a Planning Permit.

Conclusion

The application seeks approval for the development of a dwelling and demolition of shed and fence. The design of the proposed dwelling is considered to be an appropriate infill development within a heritage precinct and consistent with all decision guidelines relating to heritage. The proposed design also complies with all standards under Clause 54 (One dwelling on a lot) and the requirements of the Neighbourhood Residential Zone. The application is considered appropriate and it is recommended that Council resolve to Issue a Notice of Decision to grant a permit.

Attachments

- 1 PlnApp18/105 - Draft Permit Conditions ➡
- 2 PlnApp18/105 - Plans Submitted with Application ➡
- 3 PlnApp18/105 - Location Plan ➡

16.3 SALE OF INDUSTRIAL LAND - 247 DETOUR ROAD, NORTH WANGARATTA

Meeting Type: Ordinary Council Meeting
Date of Meeting: 16 October 2018
Author: Manager - Strategy, Growth & Environment
File Name: Property Management - Disposal - 247 Detour Road, North Wangaratta
File No: F18/474

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 commence Council's statutory process to sell vacant industrial land contained in Certificate of Title Volume 11492, Folio 967 being Lot 1 Plan of Subdivision 441039 and located at 247 Detour Road, North Wangaratta. The site is 14.46 ha in size, located on the corner of Detour Road and Crosher Lane North Wangaratta as shown in attachment 1.

This parcel of land has previously been identified for future industrial development and an offer has been received from an interested party to purchase the land to establish a new business to Wangaratta.

RECOMMENDATION:

(Moved: Councillor H Benton/Councillor M Currie)

That Council:

- 1. gives public notice of its intention to sell the land contained in Certificate of Title Volume 11492, Folio 967 being Lot 1 Plan of Subdivision 441039 and located at 247 Detour Road, North Wangaratta for a period of 28 days from 19 October 2018 to 16 November 2018;***
- 2. Should submissions be received establishes a Committee of Council to hear any persons who have requested to be heard in respect of their submissions on the sale of land at 247 Detour Road, North Wangaratta;***
- 3. considers all submissions when deciding whether or not to sell the land at 247 Detour Road, North Wangaratta as contained in Certificate of Title Volume 11492, Folio 967; and***
- 4. Should no submissions to the sale of the land be received then proceed with the sale of the land contained in Certificate of Title Volume 11492, Folio 967 being Lot 1 Plan of Subdivision 441039 and***

located at 247 Detour Road, North Wangaratta.

Carried

Background

This parcel of land is one previously identified for future industrial development and has been the subject of previous sale proposals which have not proceeded. Council has been seeking to sell the land for some time and a potential purchaser has been in discussions with Council.

The potential purchaser is proposing the development of a new business to Wangaratta and has now made a formal written offer.

A formal market valuation of the land from a registered valuer is required as part of the sale process. This valuation was obtained on 21 September 2018 and the offer received is above the valuation figure, noting Council cannot sell public land for less than assessed market value.

Implications

Policy Considerations

Council must comply with the provisions of:

- its *Sale of Council Land Policy 2015* (the Policy); and
- Section 189 of the *Local Government Act 1989* (the Act).

In summary, Council must:

- give public notice at least four weeks prior to selling the land; and
- obtain from a registered valuer, a valuation of the land which is not made more than six months prior to the sale.

Citizens have the right to make a submission on the proposed sale in accordance with Section 223 of the Act.

The land will be offered for sale direct by Council with assistance from legal representatives.

Financial/Economic Implications

The sale will facilitate further development of the industrial land thereby providing for future development and employment opportunities.

Expenditure has been incurred for the valuation. Further expenditure will be necessary for legal costs associated with completing the sale and these will be offset by the sale of the property.

Legal/Statutory

Sections 189 and 223 of the Act, as outlined above.

Social

New jobs will likely be created direct with the new business, contributing to economic sustainability and retention of workers and development of industry.

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 Growing

We will focus on our business:

We encourage considered investment in the development of new and the growth of our existing, industries and businesses

The non-negotiables

Our legislative, governance and compliance requirements will be met

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

N/A

b) Other strategic links

Economic Development Strategy 2018 - 2023

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	<p>To advise citizens of Council's intention to dispose of a land asset.</p> <p>To indicate the Council is open to the best offer</p>	<p>Advertisement in the Chronicle on Friday 19th October 2018 and on Council's website advising that submissions will be received up to 5.00 pm on Friday 16th November 2018.</p>

Persons making submissions can request an opportunity to speak to their submission before Council, or a committee established by Council for this purpose.

Such arrangements will be made and notified, if necessary.

All submissions will be considered by Council when deciding whether or not to sell the land.

Conclusion

The sale of the land accords with Council's objective to encourage and promote the growth of industry in the municipality. The sale process meets all statutory requirements and is recommended to proceed.

Attachments

- 1 Cert Of Title - 247 Detour Road [⇒](#)

17. SPECIAL COMMITTEE REPORTS

Nil

18. ADVISORY COMMITTEE REPORTS

18.1 ADVISORY COMMITTEE REPORTS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 16 October 2018
Author: Executive Assistant - Corporate Services & Councillors
File Name: Committees & Groups - Advisory Committees - Establishment - Administration
File No: F16/2255

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

Minutes of the following Advisory Committee Meetings are reported to Councillors for information (refer attachments).

1. Economic Development & Tourism Advisory Committee Meeting

RECOMMENDATION:

(Moved: Councillor M Currie/Councillor H Bussell)

That Council notes the minutes of these committees.

Carried

Attachments

- 1 Minutes - Economic Development Tourism Advisory Committee Meeting - 20180904 [📄](#)

19. RECORDS OF ASSEMBLIES OF COUNCILLORS

19.1 RECORD OF ASSEMBLY OF COUNCILLORS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 16 October 2018
Author: Executive Assistant - Corporate Services & Councillors
File Name: Assemblies of Councillors
File No: F16/2117

Executive Summary

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

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

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

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

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

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

Date	Meeting details	Refer
24 September 2018	Councillor Briefing Forum	Attachment
2 October 2018	Economic Development Tourism Meeting	Attachment
8 October 2018	Councillor Briefing Forum	Attachment

RECOMMENDATION:

(Moved: Councillor M Currie/Councillor H Bussell)

That Council receives the reports of Assemblies of Councillors.

Carried

Attachments

- 1 Assembly of Councillors - Briefing Forum - 20180924 ➡

- 2 Assembly of Councillors - Economic Development and Tourism Advisory Committee 20181002 [⇒](#)
- 3 Assembly of Councillors - Briefing Forum - 20181008 [⇒](#)

20. NOTICES OF MOTION

Nil

21. URGENT BUSINESS**22. PUBLIC QUESTION TIME**

Brian Fox asked if a large sign be placed on the front of the Swan Street Swimming pool advertising the opening date this years swimming season when known.

Brendan McGrath responded that his recollection is at the end of last season we did organise but have not yet erected a fairly large display board sign for the entrance of the Olympic pool which will allow us to display things such as opening hours and to also advertise various events and activities. It is my understanding the sign has already been manufactured and will be installed prior to the beginning of the season.

Cr Benton acknowledged that Kevin Atteridge from Springhurst has been awarded a life membership to the CFA and it is no mean feat to be able to have that award. Kevin has done a magnificent job over the years, not only in the Springhurst brigade but also the Wangaratta and Rutherglen group.

Cr Dean Rees acknowledged and thanked departing Director Development Services Barry Green – On behalf of all the Councillors we appreciate the work you have done in your position in Council and I see that as being a very tough one. I see the ridicule that Planning, Building and Compliance get, it is the most talked about area, and the toughest job. I feel for Stephen moving into that position, he has big shoes to fill. Barry's position hasn't always been the easiest and isn't one I have always agreed with, but I respect his position and intelligence and I feel Wangaratta is in a better place than where it was when he first arrived. On behalf of Councillors, thank you for your time and all you have taught me and for leading us through a tough time, I have certainly learnt a lot from you. Thank you.

23. CONFIDENTIAL BUSINESS

Nil

24. CLOSURE OF MEETING

The Meeting closed at 6.38pm.