

1.1.1.1 PLANNING PERMIT APPLICATION PInApp24/083 – Buildings and works (including partial demolition) for the extension of an existing place of assembly, function centre and art gallery (Wangaratta Performing Arts and Conference Centre and Gallery), a reduction of car parking requirements and variation to a sewer easement AT 13-31 Ford Street WANGARATTA VIC 3677.

**Background**

<b>Applicant:</b>	Rural City of Wangaratta Crown Allotment 1 Section 23 Parish of Wangaratta Vol 377 Fol 296
<b>Subject Land:</b>	Crown Allotment 2 Section 23 Parish of Wangaratta Vol 377 Fol 296 Crown Allotment 6 Section 23 Parish of Wangaratta Vol 2825 Fol 826 31 Ford Street WANGARATTA VIC 3677
<b>Zone/s:</b>	Commercial 1 Zone Heritage Overlay (HO13)
<b>Overlay/s:</b>	Parking Overlay – Schedule 1 Design and Development Overlay – Schedule 1

**Recommendation**

It is recommended that Council issue a Notice of Decision to Grant a Planning Permit for the buildings and works (including partial demolition) for the extension of an existing place of assembly, function centre and art gallery (Wangaratta Performing Arts and Conference Centre and Gallery), a reduction of car parking requirements and variation to a sewer easement at 13-31 Ford Street Wangaratta.

**Site & Context**

The subject site consists of three title allotments which form a square parcel of land on the corner of Ford Street and Ovens Street. The site is multi-purpose, with the former St Paul's Presbyterian Church and Hall now being used as an art gallery, the north-eastern side of the site (being the site of the former town hall) being redeveloped in 2009 for the construction of the current performing arts centre, and the former fire station (constructed in 1895) now being used by the Wangaratta Historical Society. A large Dutch Elm tree is located between the gallery and the main PACC building, with a number of street trees to Ovens and Ford Streets encircling the site.

The site currently contains a car park to the rear of the gallery and PACC which has capacity for 50 car parking spaces. The car park is accessible via a crossover to Ovens Street, which also serves as the delivery access to the gallery. A crossover to Ford Street is designated for loading and unloading

associated with the PACC and does not provide vehicle access to the car parking area. Pedestrians are able to move through the site from Ovens Street and Ford Street.

The subject site is located on the edge of the central commercial area for Wangaratta. Fine grain commercial and retail premises are located to the east of Ford Street, with some more bulky good retailers and offices as well (Big W and the Government Centre). To the south and north-west of the subject site are places of worship, which are heritage protected. West of the subject site is St Patrick's Primary School along Ovens Street, and further north-west is the GOTafe. Built form within the immediate area consists of a mix of eras and styles due to the evolution of the streetscapes along Ovens and Ford Streets, with smaller, zero setback retail and open, largely landscaped religious centres providing a mixed character. There are also quite tall structures within the vicinity, including the towers and spires of the places of worship, and the government centre.

The subject site benefits from excellent pedestrian connectivity, with the site being walkable from the main town centre (where there is all day parking availability) and the Wangaratta Railway Station. There is also a bus stop located adjacent to the historical society building on Ford Street. On-street parking within the surrounding area is predominantly restricted to one or two hour parking, although there is all day parking available along Ovens Street and towards the GOTafe. The "Big W car park" (Council owned) provides 2-hour parking and is located on the opposite side of Ford Street from the subject site, and is accessible via a designated pedestrian crossing. The site is also within walking distance of the Co-Store multi-storey parking lot which provides for all day parking.

## **Proposal**

The application seeks to demolish the existing car park and some of the later rear additions to the gallery and PACC structures. The buildings with heritage significance are proposed to be retained. The proposed demolition includes:

- Removal of the rear car parking (46 spaces to be removed).
- Removal of the exterior decking to the former church hall (not original).
- Removal of the rear hall extension/lean-to building adjacent to the carpark (not original).
- Partial demolition of the canopy along the internal façade of the PACC building.
- Removal of decking adjacent to Ovens Street.
- Removal of internal landscaping (except the Elm Tree, which is proposed to be retained).
- Removal of the switchboard and retaining wall to the rear of the historical society building (not original).
- Internal building alterations include:
  - Demolition of the stage within the former church hall.
  - Demolition of internal walls to the rear portion of the former church and western side of the church hall.

The proposed buildings and works include:

- New entrance to the PACC on the western side of the building (to include a reception area and gift shop).
- New external decking and accessible ramp adjacent to Ovens Street.
- Extension to the former church hall to include:
  - A canopy between the former church and hall.
  - Extension to the gallery.
  - Amenities.
  - New gallery spaces, storage and quarantine area.
  - Gallery library and offices (first floor).
  - Outdoor gallery space.
  - Memorial hall and PACC facilities area including a commercial kitchen, bar and storage.
- Internal alterations to the existing church building include the relocation of the Visitor Information Centre within the previous entrance vestibule.
- A new loading bay is proposed to the west of the gallery (using the existing Ovens Street access), with four car parking spaces to be provided.

The proposed extension is proposed to adopt a modern aesthetic similar to the PACC building.

New landscaping is proposed within the central courtyard area around the Elm tree. This landscaping is proposed to provide greater visibility and direction for visitors to the site in relation to the proposed extension and relocation of services.

### **Planning Permit Trigger**

- Clause 34.01-4 (C1Z): Buildings and works to construct a building or construct or carry out works.
- Clause 43.02 (DDO1): Buildings and works to construct a building or construct or carry out works.
- Clause 43.01-1 (HO13): Demolition of a building, buildings and works to construct a building or construct or carry out works, and externally alter a building.
- Clause 45.09-3 (PO1) and Clause 52.06-3 (Car parking): Reduction of car parking requirements.
- Clause 52.02 (Easements, restrictions and reserves): Variation of an easement.

### **Relevant Planning Provisions**

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

<b>Policy:</b>	<b>Objective/Strategy:</b>
<p>Clause 02.03-5 (Built form and heritage)</p>	<p><i>The natural and built heritage of the municipality has scientific, aesthetic, architectural, cultural, historical and social significance. Heritage places include buildings, sites, trees and aboriginal cultural sites.</i></p> <p>Council seeks to:</p> <ul style="list-style-type: none"> <li>• Encourage built form that is proportionate in scale and respects places of identified heritage value.</li> <li>• Support building design and materials that maintain the visual amenity of each township.</li> <li>• Protect the visual amenity of localities and transport corridors by avoiding visual disorder and clutter.</li> </ul>
<p>Clause 02.03-7 (Economic development)</p>	<p><b><i>Tourism</i></b>  <i>Tourism is a significant economic strength of the municipality, with wineries, gourmet food, access to the snow fields, the Ned Kelly region and major tourist routes providing a significant tourism destination. The Wangaratta CAA is also of tourism significance, particularly the Ford Street arts and cultural precinct and the Ovens River / Faithfull Street precinct.</i></p> <p>Council seeks to promote economic development by:</p> <ul style="list-style-type: none"> <li>• Exploring opportunities to grow tourism destinations and support services in Wangaratta, townships and rural areas.</li> </ul>

Policy:	Objective/Strategy:
<p>Clause 11.03-1L-02 (Wangaratta Central Activities Area)</p>	<p><i>To achieve the economic performance of the Wangaratta Central Activities Area (CAA) through provision of retail, office, recreation, educational and other opportunities.</i></p> <p>Precinct 5 – Wangaratta Creative Precinct (Formerly Ford Street)</p> <p><i>Support the development of Precinct 5 as the arts and cultural hub, centred around the Performing Arts Centre and Art Gallery.</i></p> <p>Heritage strategies:</p> <ul style="list-style-type: none"> <li>• Support development that is proportionate in scale and respectful of existing heritage values.</li> <li>• Support the reuse of heritage buildings in the CAA where it will assist in the conservation of the heritage place.</li> </ul>

Policy:	Objective/Strategy:
<p>Clause 15.01-1S (Urban design)</p>	<p><i>To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.</i></p> <p>Strategies include:</p> <ul style="list-style-type: none"> <li>• Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.</li> <li>• Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.</li> <li>• Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.</li> <li>• Promote good urban design along and abutting transport corridors.</li> </ul>

Clause 15.01-2S (Building design)

*To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.*

Strategies include:

- Ensure development responds and contributes to the strategic and cultural context of its location.
- Improve the energy performance of buildings through siting and design measures that encourage:
  - Passive design responses that minimise the need for heating, cooling and lighting.
  - On-site renewable energy generation and storage technology.
  - Use of low embodied energy materials.
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
- Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
- Ensure development is designed to protect and enhance valued landmarks, views and vistas.
- Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.
- Encourage development to retain existing vegetation.
- Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive

Policy:	Objective/Strategy:
	spaces and supports cooling and greening of urban areas.
Clause 15.01-4S (Healthy neighbourhoods)	<p><i>To achieve neighbourhoods that foster healthy and active living and community wellbeing.</i></p> <p>Strategies include:</p> <ul style="list-style-type: none"> <li>• Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing: <ul style="list-style-type: none"> <li>○ Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.</li> <li>○ Streets with direct, safe and convenient access to destinations.</li> <li>○ Conveniently located public spaces for active recreation and leisure.</li> <li>○ Accessibly located public transport stops.</li> <li>○ Amenities and protection to support physical activity in all weather conditions.</li> </ul> </li> </ul>



<b>Policy:</b>	<b>Objective/Strategy:</b>
<p>Clause 15.01-5S (Neighbourhood character)</p>	<p><i>To recognise, support and protect neighbourhood character, cultural identity, and sense of place.</i></p> <p>Strategies include:</p> <ul style="list-style-type: none"> <li>• Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the: <ul style="list-style-type: none"> <li>○ Pattern of local urban structure and subdivision.</li> <li>○ Underlying natural landscape character and significant vegetation.</li> <li>○ Neighbourhood character values and built form that reflect community identity.</li> </ul> </li> </ul>
<p>Clause 15.01-5L (Neighbourhood character)</p>	<p>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.</p>

<b>Policy:</b>	<b>Objective/Strategy:</b>
<p>Clause 17.04-1S (Facilitating tourism)</p>	<p><i>To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.</i></p> <p>Strategies include:</p> <ul style="list-style-type: none"> <li>• Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.</li> <li>• Seek to ensure that tourism facilities have access to suitable transport.</li> <li>• Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.</li> <li>• Create innovative tourism experiences.</li> <li>• Encourage investment that meets demand and supports growth in tourism.</li> </ul>
<p>Clause 17.04-1R (Tourism – Hume)</p>	<p>Strategies include:</p> <ul style="list-style-type: none"> <li>• Support large commercial tourism uses in urban locations or rural areas of lower agricultural value and away from areas identified as strategic agricultural land.</li> </ul>

<b>Policy:</b>	<b>Objective/Strategy:</b>
<p>Clause 17.04-1L (Facilitating tourism)</p>	<p>Strategies include:</p> <ul style="list-style-type: none"> <li>• Facilitate development of a wide range of well-located and well-designed tourist accommodation catering for large numbers of visitors.</li> <li>• Promote and develop tourism attractions and opportunities based on local economic, geographic and community strengths.</li> </ul>

Policy:	Objective/Strategy:
<p>Clause 18.02-4S (Roads)</p>	<p><i>To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.</i></p> <p>Strategies include:</p> <ul style="list-style-type: none"> <li>• Facilitate the use of public transport, cycling and walking.</li> <li>• Plan an adequate supply of car parking that is design and located to: <ul style="list-style-type: none"> <li>○ Protect the role and function of nearby roads.</li> <li>○ Enable the efficient movement and delivery of goods.</li> <li>○ Facilitate the use of public transport.</li> <li>○ Protect the amenity of the locality, including the amenity of pedestrians and other road users.</li> <li>○ Create a safe environment, particularly at night.</li> </ul> </li> <li>• Allocate land for car parking considering: <ul style="list-style-type: none"> <li>○ The existing and potential modes of access including public transport.</li> <li>○ The demand for off-street car parking.</li> <li>○ Road capacity.</li> <li>○ The potential for demand-management to improve car parking.</li> </ul> </li> </ul>

## **Zone**

### *Clause 34.01 – Commercial 1 Zone (C1Z)*

The purpose of the C1Z is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.

- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

The decision guidelines of Clause 34.01-8 relevant to this application are as follows:

- The purpose of this zone.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.

## **Overlays**

### *Clause 43.01 – Heritage Overlay (HO13)*

The purpose of the Heritage Overlay is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The HO13 relates to the *Vicinity of St Patrick's Church (Precinct) Ford, Ovens and Ryley Streets, Wangaratta*. There are three structures identified in the *Rural City of Wangaratta Heritage Study (May, 2004)* within the subject site, being:

- The Former St Paul's Presbyterian Church and Elm Trees, 56-60 Ovens Street Wangaratta.
- The Former Church Hall, rear of Former St Paul's Presbyterian Church, 56-60 Ovens Street Wangaratta.
- W.H. (Billy) Edwards Building (Former Fire Station, now the Wangaratta Historical Society building), 29 Ford Street Wangaratta.

There is a Victorian Heritage Registration item on the subject site, although this relates to the Marianne Gibson Quilt, which is housed on the site although is not subject to this application.

The decision guidelines of Clause 43.01-8 relevant to this application are as follows:

- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- 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.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.

*Clause 43.02 – Design and Development Overlay – Schedule 1 (DDO1)*

The design objectives of the DDO1 are as follows:

- To ensure that the design and construction of buildings and open space contributes positively to the surrounding area and is of appropriate scale and standard, with an emphasis on solar access and environmental sustainability.
- To ensure development capitalises on views across the Ovens River, King River, parks and other key open space areas.
- To accommodate a diverse range of uses, including retail, food and beverage, residential and office employment that contributes to activity and vitality.
- To ensure integration with the public domain through the creation of active streets, river frontages and links with key walking and cycling networks, and open space areas including public squares. This includes providing pedestrian links throughout the area to improve access and walkability.
- To ensure development and land uses appropriately respond to bushfire hazards from the Ovens River corridor, Kaluna Park and Merriwa Park interfaces.

The decision guidelines of the DDO1 relevant to this application are as follows:

- Whether the development delivers high standard urban design, including but not limited to building siting, scale, massing, articulation and materials.
- Whether the proposal achieves best practice passive design and energy conservation principles, including the use of renewable energy sources within the built environment.

- Whether the layout and appearance of areas set aside for vehicular access, loading and unloading and the location of any proposed car parking is practicable, safe and supports a pedestrian priority design outcome.
- Whether the proposal provides adequate weather protection and active frontage.
- Whether the design of the streetscape interface makes a positive contribution to an active, pedestrian oriented street environment and/or public realm.
- Whether the proposal responds to the surrounding context, is proportional in scale and recognises existing heritage and neighbourhood character.

*Clause 45.09 – Parking Overlay – Schedule 1 (PO1)*

The purpose of the PO1 is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To facilitate an appropriate provision of car parking spaces in an area.
- To identify areas and uses where local car parking rates apply.
- To identify areas where financial contributions are to be made for the provision of shared car parking.

The decision guidelines of this overlay are set out at Clause 52.06-10.

**Particular Provisions**

*Clause 52.02 – Easements, restrictions and reserves*

The purpose of this provision is as follows:

- To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

In addition to the decision guidelines at Clause 65, the responsible authority must consider the interests of affected people.

*Clause 52.06 – Car parking*

The purpose of this provision is as follows:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.

- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Pursuant to the Parking Overlay – Schedule 1, 3 car parking spaces to each 100sqm of gross floor area must be provided to a place of assembly, education centre or food and drink premises (café, etc). Based on the existing floor area and proposed extension (see Section 3.1 of the Traffic Impact Assessment for a break down of existing plus proposed floor areas and provision of spaces), a total of 83 car parking spaces are requested to be reduced (87 car parking spaces required with only 4 car parking spaces proposed to be provided and accessible from Ovens Street). It is noted that the extension itself requires an additional 37 car parking spaces, so the reduction is based on those additional spaces plus the loss of 46 existing car parking spaces on site.

The proposed car parking and access layout proposed is consistent with the design standards set out at Clause 52.06-9 of the Scheme. The loading and unloading arrangements from Ovens Street have been considered by Council's Technical Services Unit.

The decision guidelines of Clause 52.06-10 relevant to this application are as follows:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.

#### *Clause 52.34 – Bicycle facilities*

The purpose of this provision is as follows:

- To encourage cycling as a mode of transport.
- To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Pursuant to Table 1 to Clause 52.34-5, 1 bicycle space must be provided to each 1500sqm of net floor area for employees, and 2 spaces plus 1 space to each 1500sqm of net floor area for visitors. A total of 9 bicycle parking spaces are required for the proposal, with 12 bicycle parking spaces proposed to be provided adjacent to Ovens Street.



*Clause 65.01 – Approval of an application or plan*

The following decision guidelines of this provision are relevant to this application:

- The purpose of the zone, overlay or other provision.
- The orderly planning of the area.
- The impact the use or development will have on the current and future development and operation of the transport system.

**External Referral/s**

<b>Authority</b>	<b>Response</b>
North East Water	No objection to the variation of the sewer easement subject to conditions.

**Internal Departmental Advice**

<b>Department</b>	<b>Response</b>
Tech Services	No objection to the issue of a permit, subject to conditions relating to drainage and access.

**Advertising**

The application was advertised to adjoining land owners, a site notice was placed on the subject land and an advertisement was placed in the Wangaratta Chronicle. 7 objections and 1 letter of support were received.

The issues raised in the representations are summarised below and comments made.

<b>Issue</b>	<b>Comment</b>
Ability for emergency services to access the subject site.	The proposal must be compliant with the relevant regulations under the Australian Building Code for these arrangements.
Parking availability for visitors to the site.	The proposal seeks to rely on the publicly available parking within the surrounding street network and designated parking lots (adjacent to Big W and the Co-Store multi-storey car park). The traffic impact assessment supplied with the application indicated that there are 292 car parking spaces vacant at any one time during peak parking times (an approximately 72% occupancy rate) within the vicinity of the site. Therefore, given that the application seeks a reduction of 83 car parking spaces, the surrounding parking network is considered to have capacity to cater for this. It is noted that this assessment has considered peak hours for the use of

Issue	Comment
	parking within the township, whereas the majority of PACC events with larger numbers tend to occur outside of normal business hours.
Concerns that use of on-street parking will impact surrounding street networks and businesses along Docker Street.	Given the timing restrictions for the majority of parking along Ford and Docker Streets, it is not considered that the proposed car parking reduction will largely impact on those spaces given the availability of car parking closer to the subject site with the same timing allocations, and the provision of long term parking elsewhere. Further, activities along Docker Street (such as the railway station and the hotel) have designated on-site parking provision for their patrons, so the use of timed on-street parking should not have any detrimental impact on those sites.
Amenity concerns for adjacent properties, including noise impacts.	It is considered that the proposal wouldn't result in any detrimental amenity issues for adjacent properties. Any plant equipment, such as air conditioning units, would be required to be acoustically treated and comply with the relevant EPA guidelines. Further, the loading bay from Ovens Street is not considered to represent any detrimental amenity issues given it is already used for those purposes, and the frequency with which it is used for gallery deliveries is fairly low compared to deliveries to other commercial premises.
The proposal does not provide for laneway access between Ovens Street and Ryley Street.	Whilst pedestrians are currently able to walk between Ovens Street and Ford Street (informally), there are currently no designated footpaths from Ovens Street to the rear of the site. The use of the car park to the rear of the gallery is vehicle dominated. It is noted that there has been a gap installed in the boundary fencing into the St Patrick's site to the south, which was not undertaken by Council and has never been formalised. This issue is being dealt with outside of this planning permit application and will not form part of this assessment.
Removal of access to Ford Street will constrain the site.	The existing loading bay access from Ford Street is not proposed to be removed. It is noted that there is currently no vehicle access from Ford Street to the rear of the site. Given the proposal seeks to remove the car park,

Issue	Comment
	there would be no need for pedestrian access to that area from Ford Street.
Parking availability conflicting with school pick up and drop off times.	The traffic impact assessment states that there would be 292 car parking spaces available within the vicinity of the site. Given that the proposal only seeks a reduction of 83 car parking spaces, it is considered unlikely that there would be a lack of spaces available for school pick up/drop off.
Pedestrian safety in association with the Ovens Street truck loading.	Given the existing nature of this accessway for truck access to the gallery loading bay, it is not considered appropriate for this application to seek to restrict that operation. Further, the application has been considered by Council's Technical Services Unit who considered the access arrangements for the proposal to be appropriate.

## **Planning Assessment**

### ***Local planning policy considerations***

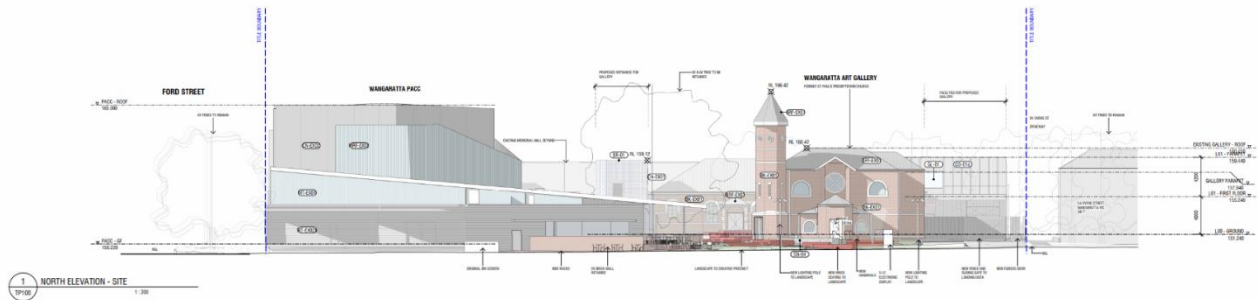
Local planning policy seeks to promote and enhance the creative precinct area to support tourism and social infrastructure objectives for Wangaratta. Policy seeks to ensure that new development achieves a high level of urban design that positively contributes to the streetscape. This is discussed in further detail below.

The proposal is considered to be consistent with Clause 11.03-1L-02 (Wangaratta Central Activities Area) as it seeks to enhance and promote recreational, educational and cultural opportunities for the central activities area and creative precinct. The proposal will assist in the improved operation of, and provision of additional educational and other services associated with the gallery and performing arts centre. Therefore, the proposal is considered be a positive addition to the arts and cultural hub.

### ***Built form, heritage and neighbourhood character considerations***

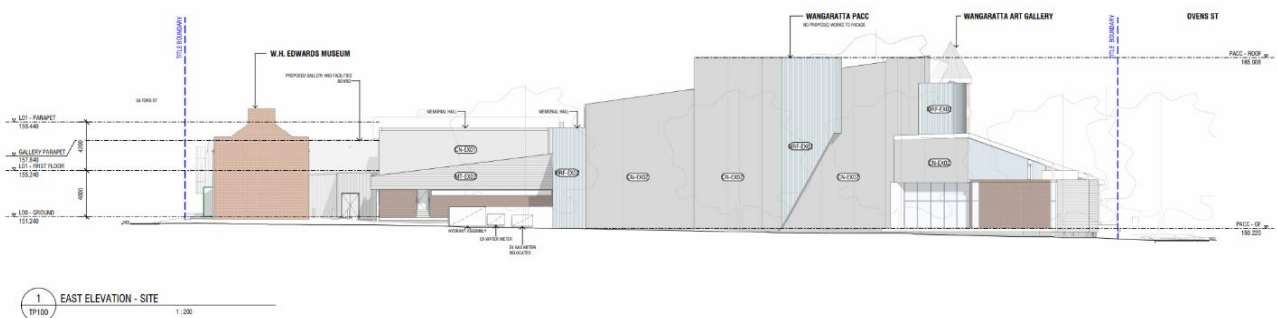
The proposal seeks to construct a rear extension to the 'creative precinct' being the gallery and PACC buildings. The built form would largely be located to the rear of the gallery and former church hall, over the current car park. The proposal has considered the heritage value and existing fabric through contributions to the character of the site and surrounds. The gallery and hall are proposed to be retained (except for some later additions which do not contribute to the heritage significance of the site), with the proposed development seeking to respect the visual elements which make the site easily identifiable (the church spire and Elm tree). Alterations are proposed to the existing PACC structure which will ensure better integration with the proposed extension and courtyard, but also provide

for better accessibility outcomes with a new decking area to the café on Ovens Street.



*Streetscape elevation view from Ovens Street.*

The development will be visible from Ford Street between the former fire station and the loading bay for the PACC, although the extent of visibility is not considered to alter the streetscape character. The extension will be setback behind the former fire station and the built form will be lower than the existing PACC theatre.



*Streetscape elevation view from Ford Street.*

The proposed development is considered to be a respectful design outcome that will enhance the function of the subject site. The modern appearance of the proposed extension will ensure a high level of juxtaposition between the heritage fabric and later development, which assists in telling the story of the evolution of the site and prevent inappropriate heritage replication. The proposed external materials will be consistent with the external materials of the 2009 PACC structure, which is also useful for blending in with existing development on the land. Further, the proposed landscaping of the courtyard area will further improve how the site is utilised, particularly with the retention of the Elm tree for visual amenity and shading outcomes.

***Traffic and parking considerations***

The application seeks a reduction of 83 car parking spaces for both the proposed increase in floor area and the removal of the car park to the rear of the site. The current car park has a timing restriction of 3 hours and is typically not used to its full capacity. The assessing officer has visited the car park a number of times during different days and times to confirm this. The application was accompanied by a traffic impact assessment which identified an availability of

292 car parking spaces within 400m of the subject site during expected peak hours that could be used by patrons. Given that the proposal would result in a shortfall of 83 car parking spaces, there would be sufficient capacity in the street network and designated car parks to support the subject site.

Further to this, state and local planning policy permits the reduction of car parking where there is sufficient access to alternative transport modes. The site is immediately adjacent to a bus stop, there will be capacity for 12 bicycle parking spaces, and the site is easily accessible to pedestrians from the Wangaratta Railway Station and from parking provided elsewhere within the town centre.

Therefore, given the context of the site and surrounds, the proposed reduction of car parking spaces is generally considered to be acceptable and supported by the Planning Scheme.

### **Conclusion**

The proposal is considered to represent an orderly planning outcome and is sited appropriately to take advantage of good transport options and proximity to the central commercial area of Wangaratta. The proposal provides a good design response to the different built forms found within the site and streetscape and seeks to minimise any potential impacts from the built form through siting, maximum height, setback and external materials. The proposed reduction of car parking requirements is not considered to pose any risk to traffic management within the immediate area, with ample alternative transport modes available to the site. Therefore, the proposal is considered to represent an appropriate outcome and supports local policy for the enhancement of the creative precinct within Wangaratta.

### **Recommendation:**

That Council issue a Notice of Decision to Grant a Planning Permit for the buildings and works (including partial demolition) for the extension of an existing place of assembly, function centre and art gallery (Wangaratta Performing Arts and Conference Centre and Gallery), a reduction of car parking requirements and variation to a sewer easement at 13-31 Ford Street Wangaratta, subject to the below conditions.

### **Communication:**

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

### **Proposed conditions:**

#### **General**

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

2. The layout of the development and extent of demolition must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.
3. The development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a. transport of materials, goods or commodities to or from the land
  - b. appearance of any building, works or materials
  - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
  - d. presence of vermin
  - e. or in any other way

to the satisfaction of the responsible authority.

4. At all times noise emanating from the land must comply with the requirements of the Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.

Noise Protocol means the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, published by the Environment Protection Authority on its website, as in force from time to time.

5. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service to the satisfaction of the responsible authority.
6. No external sound amplification equipment, loudspeakers or public address system are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
7. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level to the satisfaction of the responsible authority.
8. All works to the existing heritage buildings (former St Paul's Presbyterian Church and Church Hall) identified for retention must be undertaken in a manner that does not damage or alter the external appearance of the buildings, unless otherwise shown on the endorsed plans, to the satisfaction of the responsible authority.
9. All external materials, finishes and paint colours are to be to the satisfaction of the responsible authority.

10. No plant, equipment, services or architectural features other than those shown on the approved plans are permitted above the roof level of the building(s).
11. Before the development is occupied, all new or extended walls on or facing the boundaries of adjoining properties must be cleaned and finished to the satisfaction of the responsible authority.
12. All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed from public view to the satisfaction of the responsible authority.
13. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.
14. Car spaces, access lanes and driveways must be kept available for these purposes at all times and maintained to the satisfaction of the responsible authority.
15. No fewer than 4 car parking spaces must be provided on the land to the satisfaction of the responsible authority.
16. No fewer than 9 bicycle parking spaces (or bicycle parking with a capacity to park 9 bicycles) must be provided on the land to the satisfaction of the responsible authority.
17. All waste and recyclables must be stored in an area set aside for this purpose. This area must be screened from public view to the satisfaction of the responsible authority.
18. Any road(s), footpath(s) or other infrastructure adjacent to the land damaged as a result of the construction works (including but not limited to trenching and excavation for utility service connections, movements or vehicles and the likes), must be reinstated to the satisfaction of the responsible authority and at the cost of the permit holder.

#### Landscaping and tree protection

19. Before the development or demolition starts, a tree protection fence must be erected around the Elm tree identified for retention at a suitable radius to define a 'Tree Protection Zone'. The tree protection fencing and Tree Protection Zone must be established and maintained in accordance with the following requirements to the satisfaction of the responsible authority:
  - a. The tree protection fence must be constructed of a suitable material that it cannot be pushed or climbed over by machinery or pedestrians
  - b. The tree protection fence must remain in place until the development is completed.

20. During the course of construction, the Tree Protection Zone must not be used for:
- a. vehicular or pedestrian access
  - b. trenching or soil excavation
  - c. storage or dumping of materials, tools, equipment or waste.
21. Before the use of the extension commences, all landscaping works as shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority. When the landscaping works have been completed, written confirmation must be provided to the satisfaction of the responsible authority that landscaping on the land has been undertaken in accordance with the endorsed landscaping plans.
22. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants or landscaped areas) to the satisfaction of the responsible authority.
23. Any weed infestations resulting from soil disturbance and/or the importation of sand, gravel and other material must be controlled during the construction period to ensure that there is no weed spread outside of the subject site to the satisfaction of the responsible authority.
24. Before the use of the extension commences, all noxious weeds on the land must be eradicated to the satisfaction of the responsible authority.

#### Technical Services requirements

##### *General*

25. Plans and specifications must be prepared at the permit holder's expense by a suitably qualified and/or registered engineer and approved by the Responsible Authority before construction begins. The Authority will only approve plans and specifications complying with the current edition of the Local Government Infrastructure Design Association's Infrastructure Design Manual (IDM) and drawn in AutoCAD or equivalent.
26. The permit holder must complete full construction of all new access ways, parking areas, drainage, and related infrastructure. All works must conform to plans and specifications approved by the Responsible Authority.

##### *Drainage*

27. Before construction begins, drainage and on-site detention plans and computations, prepared according to IDM procedures and criteria, must be submitted to the Responsible Authority for approval.
28. Prior to the commencement of the use of the extension, the permit holder must satisfy the Responsible Authority that:



- a. A legal point of discharge has been established within the boundary of the subject property and connected to the external drainage network according to IDM standards without reducing the flow capacity or structural integrity of the external network.
- b. All stormwater runoff originating from or transferred through the subject property in a 18% Annual Exceedance Probability (AEP) rainfall event will either be retained on the property or be collected and conveyed by underground pipes to a legal point of discharge. In a 1% AEP rainfall event all stormwater runoff will be collected and conveyed to a satisfactory destination, without adversely affecting any person, infrastructure, or natural features in or beyond the property.
- c. All reasonable measures have been taken to prevent solid or liquid contaminants from entering the external drainage network.

#### *Parking and access*

29. Prior to the commencement of use the permit holder must satisfy the Responsible Authority that:

- a. All loading and unloading will take place within the property.
- b. All parking areas and access routes available for public use have been sealed, drained and line-marked to Australian Standard 2890 and IDM standards.
- c. Any internal footpaths and pedestrian crossings connected directly to Council footpaths have been designed and constructed to IDM standards.
- d. When vehicles must reverse within the subject property, measures have been taken to identify hazardous areas and protect people and infrastructure from reversing vehicles.
- e. All internal parking areas and access routes available for public use have appropriate lighting complying with IDM standards and Australian Standard 1158.

#### *Construction*

30. Before construction begins, a Site Management Plan and Traffic Management Plan must be submitted to and approved by the Responsible Authority, and effective measures consistent with the Plan must be taken to:

- a. Secure occupational health and safety; and
- b. Locate any existing underground services; and
- c. Implement effective traffic management and environmental controls; and
- d. Establish and maintain safe construction vehicle access to the site; and
- e. Maintain vehicle and machinery hygiene; and
- f. Avoid the spread of soil-borne pathogens and weeds; and
- g. Minimise erosion, sedimentation, and contamination; and
- h. Reduce the impact of noise, dust, and other emissions; and

- i. Prevent mud, dirt, sand, soil, clay, or stones from entering the drainage system; and
  - j. Avoid having such materials deposited on public land by construction vehicles; and
  - k. Establish and maintain all recommended Tree Protection Zones.
31. No excavated or construction materials may be placed or stored outside the site area or on adjoining road reserves or nature strips.
32. No tree may be removed, aside from trees clearly designated for removal in the approved plans, except with the prior written agreement of the Responsible Authority.
33. Prior to the commencement of the use, all areas, Council assets and underground services disturbed in the course of works must be restored to their original condition, to the satisfaction of the Responsible Authority. The site management plan must include photos/videos and other supporting evidence of the state of Council assets at the time of lodgement of the plan.

#### Variation to easement

34. The plan of variation to the easement must be submitted for certification under the *Subdivision Act 1988* and referred to any relevant authorities in accordance with Section 8 of that Act.

#### Permit expiry

35. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
  - a. The variation to the easement is not certified within 5 years of the issued date of this permit.
  - b. The development is not started within 5 years of the issued date of this permit.
  - c. The development is not completed within 10 years of the issued date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

#### Permit notes:

##### *Technical Services*

- Before undertaking any works that cross onto Council land or roads, the permit holder must obtain a Consent to Work within a Road Reserve permit.
- Before undertaking any works that cross onto other public land or roads, the permit holder may need to obtain approval from the relevant authority.

### *North East Water*

- The applicant is required to enter into a Build Over Easement (BOE) agreement with North East Water for any proposed structures or works over or near a North East Water easement or asset in accordance with North East Water requirements. A BOE application is required for both the decommissioned sewer infrastructure and any new easement that will be created.

The applicant is encouraged to contact North East Water's Property Information Team on 1300 361 622 or email to [property.info@nerwa.vic.gov.au](mailto:property.info@nerwa.vic.gov.au) for the requirements to prepare and submit a Build Over Easement Application (BOE) for the new sewer main and any inactive assets that will apply to the decommissioned sewer main.