

# Minutes

## Of the Ordinary Council Meeting

**Location:** Peechelba Hall and Bushland Reserve,  
Wangaratta/Yarrowonga Road, Peechelba

**Date:** 22 August 2017

**Time:** 6.00pm



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, Mrs Ruth Amery

Officers:

Brendan McGrath - Chief Executive Officer, Ruth Kneebone - Director Corporate Services, Alan Clark - Director Infrastructure Services, Jaime Carroll - Director Community Wellbeing, Barry Green - Director Development Services

4. **ABSENT**

Councillors:

Nil

Officers:

Nil

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 R Amery)**

***That Council read and confirm the Minutes of the Ordinary Meeting of 18 July 2017 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.**

**(Moved: Councillor D Fuller/Councillor R Amery)**

***That Standing Orders be suspended to allow the order of business for the meeting to proceed to items 19.1, 14.4 & 16.1.***

**Carried**

*Cr Ken Clarke who declared an indirect conflict of interest regarding these 3 RSL items as he is a former board member of the Wangaratta R.S.L. Club and left the room at 6:04pm and returned at 6.30pm.*

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

***That Standing Orders be resumed.***

**Carried**

## 9. RECEPTION OF PETITIONS

### 9.1 PETITION - RSL POKER MACHINES

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 22 August 2017  
**Author:** Executive Assistant Corporate Services and Councillors  
**File Name:** Submission & Petition - Wangaratta RSL Poker Machines  
**File No:** C17/8593

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 containing 224 signatures was presented to Council at the ordinary meeting held on 18 July 2017 by the Wangaratta R.S.L. Sub-Branch.

The petition requests that elected representatives of Council support the Wangaratta RSL Sub-Branch's planning application to relocate to the Sydney Hotel and note that the signatories support the extra gaming machines that the RSL needs to finance the project.

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

In accordance with Local Law No.2 of 2016 – Governance and Meeting Conduct, if a petition is presented to the Council, the motions that may be considered are –

- a) That the petition be received
- b) That the petition be referred to the Chief Executive Officer for consideration and response or
- c) That the petition be referred to the Chief Executive Officer for report to a future Council meeting.

#### **RECOMMENDATION:**

**(Moved: Councillor D Fuller/Councillor D Rees)**

*That a report into investigations into the request within the petition previously referred to the Chief Executive Officer for report to the August Ordinary Council meeting is contained in the report titled 'Planning Application for the use and development of the former Sydney Hotel premises for the Wangaratta RSL', later in this agenda.*

**Carried**

**Conclusion**

Council resolved to receive this petition at its meeting on the 18 July 2017. The investigations into the request are contained in the report titled 'Planning Application for the use and development of the former Sydney Hotel premises for the Wangaratta RSL'.

**Attachments**

Nil

**10. HEARING OF DEPUTATIONS**



## **PRESENTATION OF REPORTS**

### **11. COUNCILLOR REPORTS**

#### **11.1 MAYOR'S REPORT**

<b>Meeting Type:</b>	<b>Ordinary Council Meeting</b>
<b>Date of Meeting:</b>	<b>22 August 2017</b>
<b>Author:</b>	<b>Executive Assistant Corporate Services and Councillors</b>
<b>File Name:</b>	<b>N/A</b>
<b>File No:</b>	<b>N/A</b>

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

#### **Executive Summary**

This report will be presented at the Meeting.

#### **RECOMMENDATION:**

**(Moved: Councillor M Currie/Councillor H Benton)**

***That Council notes the report.***

**Carried**

#### ***Mayor's Quarterly message:***

In my previous two quarterly reports I have been optimistic about where the council was heading, but this evening I can find very little joy in our achievements (or lack of) over the past quarter. Very early after this council was elected, we were given a presentation by officers about the aquatic centre and it was agreed to apply for the 3rd time to the Building Better Regions Fund as we were just short last time. Council agreed, but no, even though we only just missed the previous time and had had some feedback about it, we were unsuccessful again. We had also applied for funding under the same program to allow for the development of Moloney's Square. The concept plans and the exposure of those documents was not seen as being acceptable to the community, which caused some consternation among councillors, and the resulting opposition, some quite vicious toward councillors, was not in the interests of either councillors or officers.

The second issue I know councillors are concerned about is the state of play at North Wangaratta Reserve. I have been told that the Minister is going to make a statement, but it has been more than 15 months since the reserve was closed. The last thing we wish to see is the demise of North Wangaratta Football/Netball Club, but let's hope that things will start to move over the next few weeks and that we can see the Football Club back there in time for the 2018 season. We are also

I believe, waiting a seemingly long time for EPA to grant us a licence to process our organic waste on our land at North Wangaratta. Council have been transporting our organic waste to Shepparton since this service was introduced in September 2015 and in the 2016/2017 year the cost was \$735,300. There is an amount in this year's budget for the purchase and installation of machinery for us to process our own waste in the order of \$2.3m, so we are ready to go when the light turns green if it ever does.

Council are looking for economic development and that is fine as long as 'it is not in my backyard'. We do have an industrial zone at North Wangaratta and we do have a tenant for the proposed development, estimated at around \$50m, but as I say, people don't wish things to take place near their backyard even though their property is in an industrial zone. And we wonder why developers take their money and jobs to another City. I am most disappointed with the attitude of some of our ratepayers.

The final issue I wish to place on public record is that either the Victorian Planning and Environment Act is so much out of step, or we have members of staff who do not have the interests of our municipality at heart. Well before I was elected as a Councillor, I was privy to some discussions with the Administrators, and they gave the local RSL Sub Branch feedback they supported a development of the Sub-Branch. With this in mind, the Sydney Hotel in Templeton Street was purchased and settlement took place in June 2016.

As a previous member of the Executive of the RSL, responsible for the preparation of forward cash flows, I have always excused myself from any discussion at the council table about the planning application. I personally think it an utter disgrace that this application has been dragged out continually, with some of the blame being caused by the applicants I concede, but additional conditions seem to be the order of day, every time it is looked at. The VCGLR has made a recommendation that the Sub-Branch be granted a permit for 50 machines, but council officers are still only recommending that the Sub-Branch licence be granted with the present 32 machines.

When I look at some of the other developments that have been allowed to take place, and have ratepayers inform me people get their permits issued in adjoining municipalities within a week, why cannot we do the same. In reading the VCGLR report I am amazed that "whilst the Council was represented at the public hearing, it did not call any witnesses, including the author of the Symplan report". Really???

I was present when the Premier announced a grant of \$1.6m for the local SES Branch to build new headquarters, I am now told the local branch have no say in this, the money will go to Melbourne and they will decide on when and what is built as their headquarters. I feel extremely sorry for the local Branch and those responsible for the drawing up of plans for the construction of this much needed facility. Bureaucratic interference at its best.

All of this works against entrepreneurial activity, investment, employment, growth and public recognition of the Rural City. We councillors have had many meetings where we have discussed these issues, and I thank them for their time and

enthusiasm, but I think the time has come when we need to be far more active in ensuring we overcome the problems that keep rearing their ugly heads.

**Attachments**

Nil.

**OFFICERS' REPORTS**

**12. EXECUTIVE SERVICES**

Nil

### 13. CORPORATE SERVICES

#### 13.1 DELEGATIONS

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 22 August 2017  
**Author:** Governance and Risk Advisor  
**File Name:** GOVERNANCE - Instruments and Delegations - Instrument of Delegations  
**File No:** F17/246

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 review the delegations of powers, duties and functions delegated to the Chief Executive Officer and the powers, duties and functions delegated to members of Council staff pursuant to section 98 of the *Local Government Act 1989* (the Act).

#### **RECOMMENDATION:**

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

- 1. *In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of delegation to the Chief Executive Officer, Wangaratta Rural City Council (Council) RESOLVES THAT –***
  - a. there be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.***
  - b. the instrument comes into force immediately the common seal of Council is affixed to the instrument.***
  - c. on the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.***
  - d. the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***
  - e. it is noted that the instrument includes a power of delegation to***

***members of Council staff, in accordance with section 98(3) of the Act.***

***2. In the exercise of the powers conferred by section 98(1) of Act and the other legislation referred to in the attached instrument of delegation to members of Council staff, Council RESOLVES THAT –***

- a. there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.***
- b. the instrument comes into force immediately the common seal of Council is affixed to the instrument.***
- c. on the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.***
- d. the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

**Carried**

### **Background**

Section 98 (1) of the Act provides for Council to delegate to members of Council staff any power duty or function under the Act or any other Act with some exceptions, by instrument of delegation.

The exemptions are:

- (a) this power of delegation
- (b) the power to declare a rate or charge
- (c) the power to borrow money
- (d) the power to approve any expenditure not contained in a budget approved by the Council
- (e) any power, duty or function of the Council under section 223
- (f) any prescribed power.

The instruments of delegation by Council take two forms:

- Wangaratta Rural City Council Instrument of Delegation to The Chief Executive Officer (***refer attachment***); and
- Wangaratta Rural City Council Instrument of Delegation to Members of Council Staff (***refer attachment***).

## **Implications**

### **Policy Considerations**

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

### **Financial/Economic Implications**

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

### **Legal/Statutory**

Section 98(2) of the Act provides that “The Chief Executive Officer may by instrument of delegation delegate to members of staff any power duty or function of his or her office”. The delegations by the Chief Executive Officer are not subject to Council review.

Section 98(6) of the Act provides that “A Council must review within the period of 12 months after a general election all delegations which are in force and have been made by the Council under subsection (1)”.

It is prudent to regularly review instruments of delegation from time-to-time as legislation is amended. This review is undertaken to reflect relevant legislative amendments and also to make adjustments for organisational restructuring. It is important to ensure that legislation can be enacted by appropriately delegated Council officers.

This review incorporates the following legislative changes:

The only amendment arising from legislative change is to the Wangaratta Rural City Council Instrument of Delegation to Members of Council Staff – powers, duties and functions under the *Planning and Environment Act 1987* – to update the commencement note for the *Victorian Planning Authority Act 2017* (VPA Act). The note previously stated that the VPA Act would commence on 1 December 2017, unless proclaimed earlier. The VPA Act will now commence on 1 July 2017.

This review incorporates the following organisational changes:

#### *Food Act 1984*

- added delegation to Manager Building, Planning & Compliance to section 19CB(4)(b)

#### *Planning and Environment Act 1987*

- removed delegations to Strategy Coordinator (organisation structure change)
- added delegation to Cadet Planner (new position) for duties under the following sections: s.49(1); s.49(2); s.50(4); s.50(6); s.50A(4); s.51;

- s.52(1)(a); s.52(1)(b); s.52(1)(c); s.52(1)(ca); s.52(1)(cb); s.52(1)(d); s.52(1AA); s.54(1A); s.54(1B); s.54A(3); s.54A(4); s.55(1); s.57(5); s.57A(4); s.57A(6); s.57C(1); s.58; s.60; s.60(1A); s.60(1B); s.62(1); s.62(4); s.62(6)(a); s.62(6)(b); s.63; s.64(1); s.64A; s.65(1); s.66(1); s.66(2); s.66(4); s.66(6); s.69(1); s.69(1A); s.70; s.71(2); s.73; s.74; s.76; s.76A(1); s.76A(2); s.76A(4); s.76A(6); s.76D; s.84(2); s.84(3); s.84(6); s.86; s.201(3)
- Changed the conditions and limitations under s.61(1)(a) (power to determine permit application, to decide to grant a permit) and s.61(1)(b) (power to determine permit application, to grant a permit with conditions) as follows:
    - P (Planner), SPBPC (Senior Planner), ~~PCBPC (Planning Coordinator)~~: For developments <\$1M
    - PCBPC (Planning Coordinator): For developments <\$2M
    - MBP&C (Manager Building, Planning & Compliance): For developments \$1M to <\$5M
    - DDS (Director Development Services); For developments >\$5M
    - where the number of objections does not exceed three
  - added delegation to Planner to sections 64(1); 201(3)
  - added delegation to Senior Planner to section 64(1); 178C(4); 201(3)
  - added delegation to Strategy Planner to sections 96J; 96K; 201(1); 201(3)

#### *Residential Tenancies Act 1997*

- added delegation to Manager Finance to sections 252; 262(1)

#### *Planning and Environment Regulations 2015*

- added delegation to Strategy Planner to regulation 42

#### *Road Management (General) Regulations 2016*

- added delegation to Community Compliance Coordinator and Community Compliance Officers to regulation 25(1)

### **Social**

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

### **Environmental/Sustainability Impacts**

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

### **2017 – 2021 Council Plan**

This report supports the 2017-2021 Council Plan:

## **Goal**

We are Sustainable:

- Ensuring our workforce systems and processes are efficient and effective.
- Providing a robust and transparent governance framework.

## **Risk Management**

Conditions and limitations apply to the exercise of delegations which provide for appropriate control and the delegate can make use of judgement to decide not to exercise a delegation.

## **Consultation/Communication**

Copies of the Instruments of Delegation will be placed on Council's website and be available for inspection at the Wangaratta Government Centre.

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

## **Options for Consideration**

There are no practical alternatives in this instance. Most Council decisions are not made at Council meetings. Effective functioning of local government would not be possible if this was the case. Instead, decision-making power is, and should be, allocated by formal delegations.

The delegations recommended for adoption have been well established. The changes involved are minor and administrative in nature.

## **Conclusion**

Having considered this report and the attached delegation instruments it is appropriate that the Council formalise the delegations as recommended.

## **Attachments**

- 1 Wangaratta Rural City Council Instrument of Delegation to The Chief Executive Officer
- 2 Wangaratta Rural City Council Instrument of Delegation to Members of Council Staff



## 13.2 WANGARATTA SALEYARDS

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 22 August 2017  
**Author:** Governance and Risk Advisor  
**File Name:** PROJECT MANAGEMENT - Projects - 2017 - Saleyards - Management  
**File No:** F17/360

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.

*Cr Harvey Benton left the room at 6.42pm due to a conflict of interest and returned at 6:48pm.*

### **Executive Summary**

This report is presented to Council to consider the establishment of a company limited by shares and wholly owned by Council to manage the Wangaratta Saleyards.

#### **RECOMMENDATION:**

**(Moved: Councillor M Currie/Councillor R Amery)**

#### ***That Council:***

- 1. *resolves to progress with the establishment of a new company limited by shares, wholly owned by the Wangaratta Rural City Council (the Council), to be called the 'Wangaratta Livestock Exchange Pty Ltd' (WLX) in accordance with the Corporations Act 2001 (Cth) and the Local Government Act 1989 (the Act);***
- 2. *authorises the Chief Executive Officer (CEO) to:***
  - a. undertake the business planning and risk assessment process required under section 193 of the Act and in accordance with the Ministerial Guidelines and seek any approvals as required;***
  - b. determine and recommend to Council:***
    - i. the amount to be capitalised into WLX;***
    - ii. the form of WLX's constitution which will include a prohibition on WLX from borrowing funds;***
    - iii. the appointment of initial directors based on their skills subject to seeking a balance of skills on the board of WLX; and***
    - iv. the management agreement governing the relationship between Council and WLX.***
  - c. report on and advise in relation to any alternative proposals or options for the future operation of the Wangaratta Saleyards.***

- 3. requires the CEO to report the outcomes of the processes undertaken under paragraph 2 above at a future meeting for Council to consider the relevant reports and recommendations and for final determination of whether to establish the company limited by shares.**

**Carried**

### **Background**

Council, earlier this year, resolved to agree in principle to develop a management structure for the Wangaratta saleyards which would be a Council owned entity, to ensure the facility has the flexibility to maximise its full commercial potential.

A subsequent resolution sought public feedback regarding Council's intention to change the management and business structure of the Wangaratta Saleyards business to a company limited by shares, wholly owned by Council.

The consultation period has finished. Feedback received has been very favourable towards the proposed change.

Council's Agriculture and Agribusiness Advisory Committee has also reviewed the proposal and at its meeting of 25 July 2017 provided the following endorsement:

*"The Agriculture and Agribusiness Committee endorses the proposed new management structure for the Wangaratta Saleyards. It should be a skills based board with a rigorous effort to ensure flexibility around the allocation and number of board members. The committee recommends that this process is undertaken with a high priority and as a matter of urgency."*

### **Implications**

#### **Policy Considerations**

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

#### **Financial/Economic Implications**

Funding will be required to provide for the:

1. Section 193 process; and
2. Legal costs associated with incorporation;

Estimated costs for these elements are \$30,000.

Other costs, including capitalising the entity, have been allowed for in the 2017/18 budget.

## Legal/Statutory

Council must meet the following legal requirements in establishing a company limited by shares:

- The relevant provisions of the *Corporations Act 2001*; and
- The entrepreneurial powers provisions established under section 193 of the Act.

In relation to timelines and milestones, from a legal perspective the key documents required are:

1. The Company's Constitution;
2. The Management Agreement between Council and the Company; and
3. The report by an Appropriately Qualified Person (AQP) under s193 of the Act.

While the AQP can be engaged and briefed on the project fairly quickly, they will not be able to finalise their s193 report until the documents required under 1 and 2 above are close to final.

On balance, Council's legal representatives suggest the following as an indicative initial timetable:

Timing	Activity
August 2017	<ul style="list-style-type: none"> <li>• Council approves commencing the process;</li> <li>• Council staff instruct Maddocks to proceed with preparing a first draft Company Constitution and Management Agreement</li> </ul>
September 2017	<ul style="list-style-type: none"> <li>• Maddocks provide first draft documents to Council staff for review and comment</li> <li>• Council staff provide feedback on first draft documents</li> </ul>
October 2017	<ul style="list-style-type: none"> <li>• Maddocks provide updated drafts to Council for consultation and engage AQP to conduct s193 risk assessment and report;</li> <li>• Council staff provide Maddocks with feedback on draft documents based on consultation</li> </ul>
November 2017	<ul style="list-style-type: none"> <li>• Maddocks provide Council with final drafts based on stakeholder feedback;</li> <li>• Council confirm final versions of agreements</li> </ul>
December 2017	<ul style="list-style-type: none"> <li>• AQP provides s193 risk report;</li> <li>• Council considers and if appropriate resolves to proceed with incorporation of company and entry into Management Agreement</li> </ul>
December 2017 / January 2018	<ul style="list-style-type: none"> <li>• Company incorporated, board appointed, Council and Company enter into Management Agreement</li> </ul>
January 2018 - June 2018	<ul style="list-style-type: none"> <li>• Company prepares to assume management of Saleyards (this process may be shortened)</li> </ul>
July 2018	<ul style="list-style-type: none"> <li>• Company assumes responsibility for management of Saleyards</li> </ul>

It is important to note that, depending upon feedback received through the process and any risks or issues identified, the entire timeline may be shorter or longer.

### **Social**

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

### **Environmental/Sustainability Impacts**

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

### **2017 – 2021 Council Plan**

This report supports the 2017-2021 Council Plan:

### **Goal**

We are Established

Our saleyards are managed in an appropriate structure to ensure business growth and longevity

### **Risk Management**

A thorough risk assessment undertaken by a suitably qualified person is required under section 193 of the Act.

The establishment of a commercially focused company will mitigate risks to business growth and business sustainability.

### **Consultation/Communication**

Submissions were invited from the community.

A notice to this effect was advertised in the Chronicle newspaper and also on Council's website indicating that submissions would be received up to 4 August 2017. The submissions have been provided to councillors. Submissions should be considered by Council in relation to the recommendation contained in this report.

11 submissions were received. One of the submitters requested to be heard by a Committee of Council in relation to their submission.

The submissions have been reviewed internally. A summary of the submissions together with a discussion of their merit has been conducted (*refer attachment*).

Actions to be considered in implementing the recommendation contained in this report arising from the submissions include:

- Obtaining appropriate advice in establishing the company;
- Ensuring that there is a majority of independent directors;
- Limiting board size to that needed to meet the requirements of the business; and
- Establishing a board skills matrix.

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

### **Options for Consideration**

Council may resolve to abandon the proposal.

### **Conclusion**

The most efficient way to avoid potential or actual conflicts of interest, to minimise financial risk and to engage the necessary commercial and corporate expertise is through the creation of an arms' length vehicle such as a wholly-owned subsidiary company to hold and manage the commercial interests of the Wangaratta Saleyards. Consequently, the structure that is likely to offer the best prospect of achieving Council's objectives is a proprietary company limited by shares and wholly owned by Council.

This arrangement is also favoured by the vast majority of submissions recently received by Council.

### **Attachments**

- 1 Wangaratta Saleyards Proposed Changes Submissions Analysis

### 13.3 SPECIAL COMMITTEES REVIEW

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 22 August 2017  
**Author:** Governance and Risk Advisor  
**File Name:** COMMITTEES AND GROUPS - External (Not Convened by Council) - Section 86 Special Committees - Administration  
**File No:** F16/1609

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 the process of addressing the requirement of the *Local Government Act 1989* (the Act) for Council to review the delegations to its Special Committees, within 12 months of a general election.

Specific consultation will take place with showground committee

#### **RECOMMENDATION:**

**(Moved: Councillor D Fuller/Councillor R Amery)**

#### ***That Council:***

- 1. endorses the Special Committees Review Discussion Paper, the Appointment to Council Committees Policy 2017, the Hall and Reserve Special Committees Delegation Instrument 2017 and the Friends of Lacluta Delegation Instrument 2017 for public exhibition;***
- 2. invites public submissions regarding the proposed reforms listed in the Special Committees Review Discussion Paper and regarding the draft documents listed in paragraph 1 above in accordance with Council's "Major Council Policy Consultation Local Law No.4 of 2015" (the Local Law) up to close of business on Friday 22 September 2017;***
- 3. convenes a meeting of a Committee of Council to hear from any person or persons who request to be heard in support of their written submission; and***
- 4. receives a report on any submissions made under paragraph 2 above and any hearings held under paragraph 3 above and resolves the outcome of the special committees review together with associated policies and instruments at the Ordinary Council Meeting of 17 October 2017***

**Carried**

## **Background**

Section 86(6) of the Act requires Council to review all delegations to special committees within 12 months after a general election.

This ensures that Council knows what decisions may be made in its name and who may make them. Further, this is an opportunity to assess whether all the current committees are actually required.

Regular review of delegations is also important for probity reasons. Ultimately Council must accept responsibility for the exercise of its powers, even when exercised by delegates.

A Special Committees Review discussion paper has been prepared which describes review objectives and lists proposed reforms (***refer attachment***). Proposed reforms include:

- Replace the current special committee delegation instruments with the latest Maddocks delegation instrument template;
- Consolidate the 32 special committee governance documents into two instruments of delegation, incorporating provisions from charters:
  - Hall and Reserve Committees Instrument of Delegation 2017; and
  - Friends of Lacluta Instrument of Delegation 2017.
- Allow for up to 25 members in hall and reserve special committees comprising:
  - not less than four representatives of the local community that is served by the hall and/or reserve; and
  - up to one representative from each of the user groups of the hall and/or reserve;
- Review the Appointment to Committees of Council Policy;
- Remove the requirement for a councillor representative on the Friends of Lacluta Special Committee;
- Dissolve the Wangaratta Showgrounds Special Committee;
- Engage with the community and Wangaratta Showgrounds user groups in appropriate ways to involve them in the:
  - Development of an effective and equitable facility allocation policy;
  - Implementation of standardised user licences;
  - Development of a strong business plan for the precinct;
  - Prioritisation of infrastructure development; and
  - Marketing the precinct and its facilities.

## **Implications**

### **Policy Considerations**

Special Committee instruments of delegation are deemed to be Major Council Policies and as such are subject to the provisions of the Major Council Policy Consultation Local Law No. 4 of 2015 which specifies public consultation requirements.

The appointment of members to Council committees is governed by the Appointment to Committees of Council Policy which was last reviewed in 2013. It is appropriate that review of this policy forms part of the special committee review process. A draft updated Appointment to Committees of Council Policy has been prepared (**refer attachment**).

### **Financial/Economic Implications**

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

### **Legal/Statutory**

This report commences the process of addressing the section 86(6) requirement of the Act for Council to review delegations to its Special Committees, within 12 months of a general election.

The operations of special committees are governed by Instruments of Delegation. Council subscribes to the Maddocks lawyers' instrument update service which provides updated instrument templates from time to time. An updated instrument template has been used to draft the two proposed Instruments of Delegation relevant to this current review (**refer attachments**):

- Hall and Reserve Special Committees Delegation Instrument 2017; and
- Friends of Lacluta Delegation Instrument 2017.

### **Social**

Council special committees are one of a number of ways of enabling public participation. The appointment of committees allows and encourages:

- Resource sharing between people working towards a common goal;
- Strengthening the sense of community;
- Encouraging channels of communication

### **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 inspired**



**Our non-negotiables:**

Our community is given opportunities for everyone to participate and contribute to social, economic and cultural life

**Goal****We are sustainable****Our non-negotiables:**

Our legislative, governance and compliance requirements will be met

**Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Community	Website Public notice in local newspaper
Consult	Community	Request submissions.

The documents governing arrangements for special committees are deemed to be Major Council Policies and are subject to the provisions of the Major Council Policy Consultation Local Law No. 4 of 2015 which requires a public exhibition and submission process to be undertaken. This process is proposed to commence following Council endorsement at the Ordinary Council Meeting on 22 August 2017 and conclude with resolution of reforms at the Ordinary Council Meeting on 17 October 2017.

A public notice will be published in the Wangaratta Chronicle on Friday 25 August 2017 explaining the submission process. Submissions will be received up to close of business on Friday 22 September 2017.

In their written submission, a person may also request to be heard by a Committee of Council in support of their submission, prior to Council considering the proposal. A Special Committee of Council will be established to hear submissions on the proposed policy, if required, at a time to be determined.

**Options for Consideration**

The review of special committees involves potential adjustments to a number of governance documents that are deemed to be Major Council Policies. As a result, this process is subject to the provisions of the Major Council Policy Consultation Local Law No. 4 of 2015. There are no alternatives to following the prescribed public exhibition and submission process.

In addition, the review is a legal requirement established under section 86(6) of the Act.

**Conclusion**

The review process facilitates compliance with the requirements of Section 86 of the Act and ensures good governance arrangements are in place for Council's special committees.

Officers believe the proposed reforms and the draft documents governing arrangements for special committees are ready to be exhibited.

**Attachments**

- 1 Special Committees Review Discussion Paper
- 2 Appointment to Council Committees Policy 2017
- 3 Hall and Reserve Special Committees Delegation Instrument 2017
- 4 Friends of Lacluta Delegation Instrument 2017

## 14. COMMUNITY WELLBEING

### 14.1 DRAFT 2017-2021 MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 22 August 2017  
**Author:** Manager - Community and Recreation  
**File Name:** Strategic Management - Planning - Municipal Public Health and Wellbeing  
**File No:** F16/2305

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 seek Council's endorsement to place the Draft 2017-2021 Municipal Public Health and Wellbeing Plan on public exhibition for a period of 28 days (refer attachment).

#### **RECOMMENDATION:**

**(Moved: Councillor M Currie/Councillor H Benton)**

#### ***That Council:***

- 1. Endorses the Draft 2017-2021 Municipal Public Health and Wellbeing Plan attached to this report;***
- 2. Authorises the Chief Executive Officer to give public notice of the preparation of the 2017-2021 Municipal Public Health and Wellbeing Plan in the Wangaratta Chronicle on Friday 25 August 2017 inviting the public to make a submission on the Draft 2017-2021 Municipal Public Health and Wellbeing Plan which relates to:***
  - a. the provision of health and wellbeing outcomes for Wangaratta's residents; and***
  - b. Council's statutory obligations under the Public Health and Wellbeing Act 2008;***
- 3. Considers all submissions on the Draft 2017-2021 Municipal Public Health and Wellbeing Plan, through the process outlined in the engagement table in this report, and considers the adoption of the Draft 2017-2021 Municipal Public Health and Wellbeing Plan with or without amendment at the Council Meeting to be held on 17 October 2017.***

**Carried**

## **Background**

Victorian councils have a statutory responsibility for health and wellbeing planning under the *Public Health and Wellbeing Act 2008* (the Act). The Act strengthens the role of local government as a major partner in the effort to protect public health and prevent disease, illness, injury, disability or premature death, and contribute to national health priorities.

Under the Act all local government authorities in Victoria are required to develop Municipal Public Health and Wellbeing Plans within 12 months of each general election of the council. The Municipal Public Health and Wellbeing Plan is required to set broad goals and priorities over a four year period such as health promoting strategies; planning for age-friendly physical environments and community support; positive ageing strategies; accessible services and programs; and emergency management planning for vulnerable people.

The Act clarifies the respective roles and responsibilities of local and state government regarding public health and wellbeing planning and the following functions of Council:

- Creating an environment which supports the health of local community members and strengthens the capacity of individuals to achieve better health
- Initiating, supporting and managing public health planning processes at the local government level
- Developing and implementing public health policies and programs within the municipal district
- Developing and enforcing up to date public health standards and intervening if the health of people within the municipal district is affected
- Facilitating and supporting local agencies whose work contributes to the improvement of health and wellbeing in the local community
- Coordinating and providing immunisation services to children living or being educated within the municipal district
- Ensuring the municipal district is maintained in a clean and sanitary condition.

A Municipal Public Health and Wellbeing Plan must:

- Include an examination of data about health status and health determinants in the municipal district
- Identify goals and strategies based on available evidence for creating a local community in which people can achieve maximum health and wellbeing
- Provide for the involvement of people in the local community in the development, implementation and evaluation of the Municipal Public Health and Wellbeing Plan
- Specify how the council will work in partnership with the Department of Health and other agencies undertaking public health initiatives, projects and programs to accomplish the goals and strategies identified in the Municipal Public Health and Wellbeing Plan.

In addressing the required criteria stated above, Council's engagement involved the consultation that was undertaken with the broader community as part of the development of the Council plan 2017 – 2021 has also been considered and used to inform the draft MPHWP.

Further consultation will involve representatives from a broad cross section of the health and wellbeing service sector as well as the community at large, including:

- the Wangaratta Health and Wellbeing Partnership
- health services
- hospital
- general practice
- youth and families
- children's services
- mental health services
- housing
- safety and emergency services
- non-government organisations
- aged services
- transport
- education.

Health status data; recent survey work with sectors such as youth, aged, multicultural, families, and rural and urban community plans; and other local health, community and welfare agency plans have been analysed to determine the top health and social issues affecting the municipality.

Priority areas emerged from this information to address identified issues. These priority areas were validated through a community consultation process that consisted of community drop-in sessions, formal submissions and industry consultations. Associated goals and strategies have been developed to guide the work of Council, and health and wellbeing agencies, in achieving improved health and wellbeing outcomes for the local community.

### **Implications**

#### **Policy Considerations**

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

#### **Financial/Economic Implications**

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

#### **Legal/Statutory**

To comply with the *Public Health and Wellbeing Act 2008* the following timelines need to be met in the development and adoption of a Municipal Health and Wellbeing Plan within 12 months of the general election of Council:

Milestone	Date
Council endorse Draft Municipal Public Health and Wellbeing Plan to be placed on public exhibition for 28 days	22 August 2017
Public exhibition period for comment incorporating a community engagement process	22 August – 19 September 2017
Draft Municipal Public Health and Wellbeing Plan adopted at Meeting of Council	17 October 2017
Adopted Municipal Public Health and Wellbeing Plan sent to Minister for Health	17 October 2017 (22 October deadline).

### **Social Impacts**

- Identify goals and strategies based on available evidence for creating a local community in which people can achieve maximum health and wellbeing;
- Provide for the involvement of people in the local community in the development, implementation and evaluation of the Municipal Public Health and Wellbeing Plan; and
- Specify how the council will work in partnership with the Department of Health and other agencies undertaking public health initiatives, projects and programs to accomplish the goals and strategies identified in the Municipal Public Health and Wellbeing Plan.

### **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 Thriving

#### **We will plan, research and advocate for the future:**

To ensure that the health and social needs of our community are understood and considered

In partnership with the right organisations we will make sure that everyone feels safe in their own homes, streets and in their communities

To improve access to mental health services and resources within our community

**We will create and deliver:**

Exceptional services and programs that help our families and children to be healthy, happy and connected

Programs and partnerships that support our older people to have independence in their choices, and access to the services and resources that they need

**Strategic Links**

**a) Rural City of Wangaratta 2030 Community Vision**

N/A

**b) Other strategic links**

N/A

**Risk Management**

**Consultation/Communication**

Tuesday 22 <sup>nd</sup> August	Draft MPHWP presented at Council meeting
Wednesday 23 <sup>rd</sup> August	Consultation period opens
23 <sup>rd</sup> August – 20 <sup>th</sup> September (28 days)	Community Consultation Period. This will include: <ul style="list-style-type: none"> <li>• Correspondence to all groups listed in Wangaratta's Community Directory;</li> <li>• Advertising in Rural City Connections;</li> <li>• Structured social media campaign;</li> <li>• Online engagement campaign;</li> <li>• Local Area Partners Function; and</li> <li>• Local Area Partnership Meeting.</li> </ul>
Thursday 31 <sup>st</sup> August	Proposed date for MPHWP Engagement Function.
Thursday 14 <sup>th</sup> September	Wangaratta Local Government Area Health & Wellbeing Partnership Meeting.
Wednesday 20 <sup>th</sup> September	Consultation period closes

**Conclusion**

A draft 2017-18 Municipal Public Health and Wellbeing Plan has now been developed and officers seek Council's endorsement to place the Draft 2017-2021 Municipal Public Health and Wellbeing Plan on public exhibition for a period of 28 days (refer attachment).

**Attachments**

- 1 DRAFT MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2017 - 2021



## 14.2 COMMUNITY BUS - TRANSFER OF OWNERSHIP

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 22 August 2017  
**Author:** Aged and Disability Coordinator  
**File Name:** Community Bus  
**File No:** S16/2208

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 seek Council's endorsement to transfer the ownership of Council's Mitsubishi Rosa BE600 22 seater bus (community bus) to Community Accessibility Inc. following a public expression of interest process.

#### **RECOMMENDATION:**

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

***That Council transfers the ownership of the Mitsubishi Rosa BE600 22 seater bus (community bus) to Community Accessibility Inc. with all associated costs being the responsibility of Community Accessibility Inc.***

**Carried**

### **Background**

The Community Bus was purchased through Home & Community Care funds in 2005 to transport participants of the Planned Activity Group program that Council administered at that time. When responsibility for the Planned Activity Group program was transferred to Ovens & King Community Health Service (now Gateway Health), an arrangement to guarantee the use of the bus for this purpose was established.

The bus is currently used by Gateway Health to transport participants of their Community Inclusion and Active Rural Communities programs. On average, the bus is used eight days each month and travels approximately 1,250 kilometres per month.

The ongoing operational and maintenance costs remain as Council's responsibility. Fuel use costs are charged to Gateway Health for their current use.

The bus now has only infrequent use by Council, and although it was acquired in 2005 for community use it has not been used by community groups, other than Gateway Health, in recent times.

Due to Home and Community Care funding provided the purchase of the bus for the purpose of community use, it is not considered appropriate to sell the bus.

## **Implications**

### **Policy Considerations**

#### Asset Management Policy

2.1 Enable Council to plan for and meet service delivery objectives effectively and sustainably. Enable assets to be properly acquired, used, maintained, retired and disposed.

#### Asset Management Strategy 2013

5.3 Are Council Assets Currently Meeting Community Expectations?

### **Financial/Economic Implications**

The table below provides figures on the past and current running costs of the bus and the fuel costs recouped from Gateway Health.

Financial Year	Plant costs	\$	Fuel cost recouped	\$	Net cost	\$
13/14		14,200		-4,256		9,944
14/15		12,791		-3,024		9,767
15/16		11,196		-1,553		9,643
16/17		11,451		-1,297		10,154

A valuation of the bus is estimated at an auction realisation of \$27,000 to \$32,000. If the bus was auctioned, it has been recommended to set the reserve at \$18,000 in case there is little to no interest (plus GST).

The 2005 model bus is ageing and the net changeover cost would be in the vicinity of \$176,000 ('on the road', GST Incl)

Council's Finance Team advises that the bus has contributed an estimate \$111,251 to the plant replacement reserve, and given we are not replacing the bus these funds may be able to be used for other Council expenditure.

### **Legal/Statutory**

There are no legal/statutory implications identified for the subject of this report.

### **Social**

Council's transfer of the ownership of the vehicle to Community Accessibility Inc. will address identified community transport need within the Wangaratta municipality and provide broad community use. There will be a continuation of use of the bus by Gateway Health for their community inclusion program for approximately eight days in the month.

Community Accessibility Inc.'s assisted transport program is a volunteer supported community service that provides transport to local residents who are transport disadvantaged and unable to access other forms of transport. Since 1998, the organisation has provided a variety of services and programs in the North East area; enabling independence through community supports. Along with their extensive community transport program, they also provide a disability

respite service, supported shopping, in-home and social support, aged flexible respite and the Access Spot which is a transport and support information hub located in the King George V Gardens.

Community Accessibility Inc. is committed to enabling access to transport options which are not cost prohibitive. This is achieved through a Smartlink Service where the vehicles are available for hire to community groups and other not for profit organisations during weekday down time and on weekends

### **Environmental/Sustainability Impacts**

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

### **2013 – 2017 Council Plan (2016 Revision)**

This report supports the 2013-2017 Council Plan:

#### **Goal**

We are Connected

#### **We will plan and make decisions for the future:**

We will respond to the challenges that face our organisation and community in innovative and effective ways. We will partner, collaborate and advocate to make sure that we all have a sustainable and vibrant future

### **Strategic Links**

#### **a) Rural City of Wangaratta 2030 Community Vision**

The most vulnerable within the community are well cared for. Individuals, groups and communities are actively engaged and participate in community activities.

There are no barriers to social participation.

#### **b) Other strategic links**

#### **Rural City of Wangaratta Community & Wellbeing Plan 2013-2017**

4.3.2.3 Provide support to community groups and organisations that seek opportunities for innovation, collaboration and community strengthening.

4.3.3.1 Participate fully and contribute to the social, programs and venues being accessible to economic and cultural life disadvantaged sectors in the community

### **Consultation/Communication**

An advertisement inviting not for profit community organisations to submit an expression of interest for the community bus was placed in The Chronicle newspaper on 9 Jun 2017 with a closing date of 22 June 2017.

On 19 June 2017 a post was placed on Council's Facebook which attracted in excess of 30 positive comments and due to the response the closing date was extended to 28 June 2017.

Two expressions of interest were received; one from Community Accessibility Inc. and one from Illoura Residential Aged Care Facility which is part of Northeast Health Wangaratta.

An assessment panel was convened to review the submissions against the four selection criteria included in the expression of interest documentation. This panel consisted of Council's Manager Community and Recreation, Governance and Risk Advisor and Aged and Disability Services Coordinator.

Community Accessibility Inc. was determined to be the most suitable and capable community organisation to receive ownership of Council's community bus.

As a registered transport provider under the Victoria *Bus Safety Act 2009*, Community Accessibility Inc. has the experience, connections and infrastructure required to support the ongoing use of the community bus. Community Accessibility Inc. deliver transport which is flexible, adaptable and cost effective. In addition, they will provide access to other community groups and organisations to support community access, inclusion and engagement.

This organisation's assisted transport program is a volunteer supported community service that provides transport to local residents whom are transport disadvantaged and unable to access other forms of transport

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Internal staff	Email, in person
Consult	Internal & external stakeholders	Email, in person
Involve	Community groups	Newspaper add, meeting, facebook
Collaborate	Eligible applicants	Email, telephone
Empower	Successful applicant	Letter, email, phone, face-to-face

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

### **Options for Consideration**

The sale of the community bus is an option for Council, however, due to Home and Community Care funding the purchase of the bus for the purpose of community use, it is not considered appropriate to sell the asset.

### **Conclusion**

With appropriate consultation occurring with community organisations, internal and external stakeholders it is recommended that Council endorse the transfer of ownership of the community bus to Community Accessibility Inc.

**Attachments**

Nil.

### 14.3 PETITION - MOLONYS SQUARE PROJECT

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 22 August 2017  
**Author:** Executive Assistant Community Wellbeing  
**File Name:** PROJECT MANAGEMENT - PROJECTS - CBD  
MASTERPLAN - MOLONYS SQUARE  
**File No:** F17/133

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**

In June 2017, Council received a petition relating to the development of Molonys Square – a proposed project within the CBD Masterplan. The petition / joint letter contained 209 signatures (including 28 from local traders) and was submitted by Sophie Lorback, from North East Natural Health Centre.

This report is presented to Council following the resolution at its July ordinary Council meeting:

1. *That the petition / joint letter regarding Molonys Square Project be received.*
2. *That the petition / joint letter be referred to the Chief Executive Officer for report to the August Council meeting.*

#### **RECOMMENDATION:**

*That Council:*

1. *Considers the progression of the Molonys Square project implementation following further consultation with business owners and the community.*
2. *Ensures a final decision on the future of the project is informed by community feedback, consideration of parking provision, and business trader impacts.*

*[Motion was put and lost]*

**(Moved: Councillor M Currie/Councillor H Benton)**

***That the Molonys Square Project is placed on hold and no further progress is made at this point in time.***

**Carried**

#### **Background**

Earlier this year, a high level of interest from community and local businesses was generated following the announcement of Council's lodgement of a \$1.8 million dollar application through the Federal Government's Building Better Regions Fund. The application, was seeking \$900,000 in funding to support the progression of the project, which is a key project identified through the Wangaratta Project – Central Business District (CBD) Masterplan adopted by Council in March 2016.

Community and local trader interest surrounding Moloneys Arcade has predominantly focused on the proposed removal of the existing 28 car spaces located within the Moloneys Arcade precinct to accommodate the development of the project.

As articulated in the Wangaratta Project – Central Business District (CBD) Masterplan, the intention of the proposed development of Molonys Square is to create a space that will generate activity within the CBD. It will encourage people to spend more time in the city and enable a range of formal and recreational uses that will have widespread social and economic benefits for businesses and the community.

The petition submitted to Council requested that Councillors vote against the Molonys Square Project proposal. In addition to this, Council has received 68 form letters (distributed by a private resident) over the last 4 months outlining concerns around the removal of parking and the overall impact this would have on the community.

Currently there are no immediate plans to begin construction of the project. If after consultation, Council progresses with the development then consultation, planning and review will be undertaken as part of the detailed design.

Council has been recently notified that the Building Better Regions Grant application was unsuccessful.

### **Implications**

#### **Policy Considerations**

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

#### **Financial/Economic Implications**

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

#### **Legal/Statutory**

Should Molonys Square progress to a project in the future, Council will comply with any statutory or legislated provisions as required.

#### **Social**

Council needs to carefully consider the needs of the business community and community members when planning for this development.

### **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 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 will create and deliver:**

**A city centre that is unique, diverse and attractive.**

**We will focus on our business:**

**By enhancing the way we plan and deliver Infrastructure projects.**

### **Strategic Links**

**a) Rural City of Wangaratta 2030 Community Vision**

N/A

**b) Other strategic links**

The Wangaratta Project – Central Business District (CBD) Masterplan.

### **Risk Management**

If Council decides in the future to progress with the development of the project a full risk assessment will be completed.

### **Consultation/Communication**

Council needs to carefully consider the needs of the business community and community members if the project progresses through an extensive consultation process. The consultation process will be developed at a point when Council decides to progress with the thorough exploration of the project viability and the detailed planning associated with the project.



**Options for Consideration**

Council can decide to commence with consultation to inform the future of the Molonys Square project.

**Conclusion**

It is anticipated that the project will create a space that will generate activity within the CBD. It will encourage people to spend more time in the city and enable a range of formal and recreational uses that will have widespread social and economic benefits for businesses and the community. In order for this to occur Council will undertake extensive community consultation to ensure we meet continued business and community need.

**Attachments**

Nil.

#### 14.4 SUBMISSION AND PETITION - WANGARATTA RSL ELECTRONIC GAMING MACHINES

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 22 August 2017  
**Author:** Executive Assistant Community Wellbeing  
**File Name:** PROPERTY MANAGEMENT - PROPERTY FOLDERS - 2-4 TEMPLETON STREET WANGARATTA 3677 PID 317340.3550  
**File No:** 7131

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 137 signatures from community members was received and tabled at the July 2017 Ordinary Council meeting.

The petition requests that elected representatives and Council staff engage meaningfully with a wide range of stakeholders before making a decision on the permit.

This report is presented to Council following the recommendation endorsed at its July Council meeting as follows:

1. *That the petition regarding the RSL Poker Machines be received.*
2. *That a report into investigations into the request within the petition be referred to the Chief Executive Officer for report to the August Council meeting.*

##### **RECOMMENDATION:**

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

***That Council endorses the development of a gaming policy to guide Council's future direction and support of gaming applications and projects, to be developed with community and stakeholder consultation.***

**Carried**

##### **Background**

At its July meeting, Council received a petition containing 137 signatures from community members requesting that elected representatives and Council staff engage meaningfully with a wide range of stakeholders before making a decision on the permit.

Preceding this, earlier this year Council received a copy of an application from the Wangaratta RSL Sub-Branch Inc. for the approval of premises known as Sydney Hotel 2-4 Templeton Street, Wangaratta as suitable for gaming for fifty electronic gaming machines (EGMs) and; a separate planning application more recently for the use and redevelopment of the premises including the installation of electronic gaming machines. The planning application will be considered separately by Council under the provisions of the *Planning and Environment Act 1987*.

Council responded to the Victorian Commission of Gaming and Liquor Regulation (VCGLR) on Thursday 23, March 2017 advising its intention to make a submission to the VCGLR including the preparation of an Economic and Social Impact submission in response to the application. Council commissioned the development of an independent Social and Economic Impact assessment to support and inform its submission to the VCGLR.

On 29 May, Council went to the VCGLR hearing to advise its position against the application from the Wangaratta RSL and several weeks later, was informed that the Wangaratta RSL's application was approved. This means that the net increase in the number of EGMs in the Rural City of Wangaratta as a result of the application is 18.

This represents an increase in the number of EGMs of approximately 13%. It is acknowledged that the municipal cap on the number of EGMs will not be exceeded as a result of the proposal (currently set at 214) and that the municipality is not covered by the regional cap on EGMs (which is an indicator of a community's relative vulnerability to problem gambling). However, municipal and regional caps are not a benchmark, but are rather a maximum based on three indicators of vulnerability, namely density, gaming expenditure and relative socio-economic disadvantage.

Currently there are 136 EGMs within the municipality housed at four venues being the Pinsent Hotel (44), The Old Town 'N' Country Tavern (35), Wangaratta Club (25) and the Wangaratta RSL (32). These 136 machines generated a total expenditure from July 2016 to June 2017 of \$8,712,157.83, an average of \$60,564.96 per machine for the 12 month period.

The approval of the EGMs will provide an increase in community contributions of \$25,000 per year, an increase in the school scholarship and an expansion of the relationship with the Hume Veterans Counselling Service.

This venue will be the largest EGM location in the municipality and evidence suggests that larger gaming venues have the potential to increase the risk of gambling related harms within the community. Larger venues provide more choice in terms of number and type of machines, greater anonymity for gamblers in a bigger venue, reduced waiting times for machines and breaks from machines, and encouragement of gambling persistence and monetary loss.

## **Implications**

### **Policy Considerations**

There are no policy considerations associated with the subject of this report.

### **Financial/Economic Implications**

Council officers will assist to develop the Gaming Policy following the consultation process.

### **Legal/Statutory**

This report is governed by clause 78 of the Wangaratta Rural City Council Governance and Meeting Conduct Local Law No. 2 of 2016.

### **Social**

Gambling is known to have profound impacts on a community and on the lives of many families and individuals. A recent study found that 0.7% of Victorians are problem gamblers. A further 2.4% are at high risk of problem gambling. EGMs are recognised as posing the greatest risks to existing and potential problem gamblers<sup>i</sup>. Around 80% of presentations to counselling agencies relate to problems associated with EGMs.

For the 2015/2016 financial year, the Rural City of Wangaratta experienced the following gaming indicators:

- Compared with the country average, the Rural City of Wangaratta has the same density of EGMs per 1,000 adults, lower net average expenditure and expenditure per adult. It also has less adults per venue.
- Compared with the average for the Rural City of Wangaratta the Wangaratta RSL sub-branch (in their current location) had a lower expenditure, lower expenditure per EGM and fewer EGMs per venue.

Research has found that:

- Domestic violence is associated with EGM accessibility
- Areas with no EGMs have 20% fewer family incidents than those with 75 EGMs/10,000
- Areas with no EGMs have 30% fewer domestic violence assaults than those with 75 EGMs/10,000
- Regulators should consider the impacts on domestic violence when licencing EGMs.

Between 2015 and 2016, the Rural City of Wangaratta experienced an increase in the rate of family incidents of 26.1%. This was higher than the increase across the Eastern Region of Victoria and Victoria as a whole, which were 5.6% and 5.7% respectively.

The Socio Economic Indexes for Areas (SEIFA) score of Relative Socio-economic Disadvantage in the municipality is 981.1 which is above the average for regional Victoria of 977.7.

### **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 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:**

Ensuring we are responsive, clear and active in the development of our municipality.

### **Community consultation**

Should Council endorse the development of a Gaming Policy, Council will undertake an community engagement and consultation process that will guide the development of the policy.

### **Strategic Links**

The *Rural City of Wangaratta Community Vision 2030* identifies a number of key features that the community values about the Rural City of Wangaratta, including the opportunity to lead healthy lives, strong tourist component, strong community connections and contributions made by the voluntary sector.

The *Rural City of Wangaratta Council Plan 2017-2021*, also focuses on facilitating healthy lifestyle choices and the need to provide services and programs that facilitate healthy, happy and connected communities.

Priorities that underpin the *Rural City of Wangaratta Municipal Public Health and Wellbeing Plan 2013-2017* include strong and resilient individuals, families and communities; a safe and protected community and healthy lifestyles.

**Options for Consideration**

Should Council endorse the development of a Gaming policy, it will strengthen Council's position should any future gaming applications be received and enable some controls to be incorporated into the document in consultation with stakeholders and community.

OR

If Council opposes the endorsement of a Gaming policy, should we receive future gaming applications it is likely they would be approved through a VCGLR process unless the number of gaming machines exceeds our current cap of 214.

**Conclusion**

If Council endorses the development of a Gaming policy, it will guide and strengthen Council's position on the decision making process should any future applications be received. A Gaming policy would set out clear direction, conditions and controls to minimise gambling-related harms which we know has both direct and indirect impacts on individuals, their family and the broader community.

**Attachments**

Nil

#### 14.5 HIGH COUNTRY LIBRARY SHARED SERVICE AGREEMENT 2017 - 2020

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 22 August 2017  
**Author:** Executive Assistant Community Wellbeing  
**File Name:** PROPERTY MANAGEMENT - PROPERTY FOLDERS - 21 DOCKER STREET WANGARATTA  
HIGH COUNTRY LIBRARY PID: 312060.0150  
**File No:** 1519-02

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**

On 1 August 2016 Wangaratta Rural City Council transitioned from the High Country Library Corporation (HCLC) to a shared service model and entered into the High Country Library Network Shared Service Agreement (the agreement) with Alpine Shire Council, Benalla Rural City Council, and Mansfield Shire Council for the provision of library hub services.

The agreement was for an initial period of 12 months. This report provides Councillors with an update on the initial 12 month period and makes a recommendation for Council to consider continuing to seek library 'Hub' services through a similar shared service model for a further three (3) years.

#### **RECOMMENDATION:**

**(Moved: Councillor H Bussell/Councillor H Benton)**

***That Council endorses the High Country Library Network Shared Service Agreement 2017 – 2020.***

**Carried**

#### **Background**

The High Country Library Corporation (HCLC) was established in 1996 to provide library services over an area of 14,760 square kilometres and serving a population of over 61,000 in the Alpine Shire, Benalla Rural City, Mansfield Shire and the Rural City of Wangaratta.

Established under the provisions of the *Local Government Act 1989*, HCLC was overseen by a Board comprising 2 representatives from each Council and managed by a Chief Executive Officer.

In January 2015 the HCLC Board resolved to conduct a full and comprehensive review of the service in order to:

- Improve the operational efficiency of HCLC and its library sites
- Minimise annual financial contributions from member councils
- Maintain or improve library services

The review found that:

- The service was highly valued by users
- There were pressures to contain costs
- There was a challenge in balancing strategic and operational issues
- Concerns that the service was expensive were unfounded
- Concerns that there was a cross subsidy from larger councils was also unfounded
- There was evidence of multiple handling and overwork of processes
- Organisation tensions around delegation of responsibility and role clarity existed
- There was some strain in the working relationship between HCLC and councils
- There were opportunities for partnering between Council services and library services

The review proposed three options to the HCLC Board:

1. to retain the current HCLC structure and embark on a reform of processes and delegations;
2. to disestablish HCLC, and for councils to run standalone libraries; or,
3. to establish a new shared services or (hub-and-spoke) model of library services that gives councils greater control of operations but retains the advantages of shared resources and services.

The review was presented to Council at a special meeting of Council on 6 July 2015. It was resolved to adopt Option 3 (a 'shared service' model to deliver library services).

The shared service model involved liquidating HCLC and replacing it with a new collaborative service where 'spoke' libraries purchase services from a 'hub'. Branch staff would be employed by, and report to, their respective councils. Central services such as SWIFT membership, book stock procurement, and collection management, would be purchased from the 'hub' library.

To provide shared collection, cataloguing and support services across the region it was agreed by the member councils (Mansfield, Alpine, Benalla and Wangaratta) that the 'hub' would be established by Alpine Shire Council in the former Myrtleford Council Chambers and would be operated by Alpine Shire under a Shared Service Agreement with the Councils.



At the Ordinary meeting of Council on 19 July 2016 it was resolved that Council:

1. *Endorses the shared Service Agreement with the High Country Library network; and*
2. *Authorises the Chief Executive Officer to sign the High Country Library Network Shared Service Agreement – July 2016.*

The Shared Service Agreement with Alpine Shire Council for the provision of “hub” services was for an initial period of 12 months, expiring 1 August 2017.

During the initial 12 month period ‘Hub’ services have been delivered successfully by Alpine Shire Council and library staff and other associated council staff across all four councils have been pleased with the ‘Hub’ services provided by Alpine Shire Council.

When comparing the Library Service in Wangaratta to other councils using the data collected by the Local Government Performance Reporting Framework, the average cost of the Library service to Council per visit is below the average of a similar size to Wangaratta and the percentage of active users in the municipality is significantly higher. The service is outperforming other councils on a number of other measures.

Benalla Rural City Council has also undertaken an extensive desktop procurement review on behalf of all Councils involved in the Shared Service Agreement to ensure that the current Hub services and procurement activities were:

- being provided to the agreed standard
- achieving value of money (as per VAGO definition),
- able to incorporate any variations to short or long term objectives or activities by either the Network or Network members and;
- compliant with the *Local Government Act 1989* and the requirements of the Benalla Rural City Council Procurement policy and procedures.

The review concluded that the current High Country Library Network Shared Service Agreement is based on user needs, is achieving value for money and is achieving the procurement objectives.

A new service agreement for 3 year period, concluding 30 June 2020 has been developed and is attached.

### **Implications**

### **Policy Considerations**

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

## Financial/Economic Implications

Current estimates indicate that in 2017-2018 the hub services will cost \$798,935 of which \$410,908 is capital (including collection purchases).

The financial contribution of each Council to the Hub is determined by the percentage of the total population (Cost Attribution Formula). In the case of Wangaratta Rural City Council this is 44%, being \$340,531.40 per annum for 2017-18, the first year of the new agreement. The 2017-2018 Wangaratta Rural City Council budget has an allocation of \$358,764 for Library Hub services and therefore the Agreement is within Council's 2017-18 budget amount.

	<b>12/13 Actuals</b>	<b>13/14 Actuals</b>	<b>14/15 Actuals</b>	<b>15/16 Actuals</b>	<b>16/17 Actuals</b>	<b>17/18</b>
Council contribution	517,431	548,500	575,925	593,203	332,229	340,531
<b>Total cost to Council</b>	<b>697,367</b>	<b>716,965</b>	<b>737,366</b>	<b>635,134</b>	<b>532,024</b>	<b>468,987</b>

Notes:

- i. Library under council management from FY 1617
- ii. HCLN operated from FY 1617 (previously was High Country Library Corporation)
- iii. FY1718 – total cost to council excludes internal costs as these were not previously allocated to the Library
- iv. FY 1718 – no further loan repayments incurred

Under the terms of the new proposed Shared Service Agreement, Alpine Shire Council will prepare a budget for Hub operations annually. The Annual Budget will be presented and endorsed by the Library Management Group to allow the timely incorporation of each member Council's budget processes.

## Legal/Statutory

The new proposed Shared Service Agreement is for a period of 3 years (with the option to extend for a further 3 years). It is anticipated Councils contribution each year will be approximately \$340,531 or \$1,021,593 over the 3 years. This is over the CEO's delegation for awarding a contract and as such will require a Council resolution.

In addition, this contract exceeds the limits in which Council must invite tenders. Under sub-section 186(1) of the *Local Government Act 1989*, Councils must expose all purchases of goods, services or works which reach the thresholds to public tender. This section does not apply if of the contract is entered into in accordance with arrangements approved by the Minister 186(5)(c).

## Social

The Wangaratta Library plays a vital role in the social capital, education and recreational development of the Wangaratta Community:

Over the past 12 months, the Library has averaged 10,035 visits per month, loaned an average of 14,911 items per month and delivered 29 programs per month.

	<b>2016/2017</b>
Membership	10,740
Visits	120,386
Loans	178,938
Programs	353
Adult program attendance	1,906
Children's program attendance	4,132

Regular programs at the library include Rhyme Time, Toddler Tales, Preschool story time, Lego Club, Anime night, Coding Club, Book Chat, Sit, Knit and Crochet and Book Club.

In addition to the regular activities, the library also hosts programs such as author visits, library tours, Tech Savvy Seniors training, Halloween Scream, GeekCon and March into Sustainability and participates in special events including Wangaratta and District Heritage Festival, Seniors Festival and Adult Learners Week.

Groups meeting in the library to hold activities include Wangaratta Board Gamers, a Bridge card group and CWA craft ladies and a number of community groups have created displays on the main floor to raise community awareness of specific issues.

Regular external attendances include New Mums sessions, Kindergarten visits, story times at local child care centres, talks to local groups including U3A and Probus and story time at Down by the River in March.

The Library also offers a Home Library Service involving volunteers who deliver books and audio material to people unable to visit the library due to ill health, mobility issues or residing in a nursing home. Currently there are 15 volunteers who deliver to 37 home library clients.

### **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 Inspired

**We will plan research and advocate for the future:**

**For our community to have access to quality and exciting arts and cultural experiences**

**We will create and deliver:**

**Projects in partnership with our indigenous cultural groups to celebrate the diversity and history of our region.**

**The non-negotiables**

**Our community is given opportunities for everyone to participate and contribute to social, economic and cultural life.**

## **Strategic Links**

**a) Rural City of Wangaratta 2030 Community Vision**

N/A

**b) Other strategic links**

N/A

## **Risk Management**

Given that it is a shared service agreement, variances to budget (positive and negative) are shared among the members based on the Cost Attribution Formula. Variances to budgeted expenditure will not exceed 10% unless agreed by the Library Management Group. There is a risk that the Ministerial Exemption (now with CEO for signing) may not be approved by the Minister. If this occurs the Agreement cannot be signed, a new procurement process may need to be undertaken and this may impact the member Councils.

## **Consultation/Communication**

Two representatives from each council have actively participated in the High Country Library Network Management Group. From Wangaratta Rural City Council the representatives are the Manager – Arts, Culture and Events and the Wangaratta Library Coordinator.

The Wangaratta Library is one of the largest joint use libraries in Australia and involves a partnership between the Rural City of Wangaratta, Goulburn Ovens Institute of TAFE and the High Country Library Network (successor to the High Country Library Corporation).

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

### **Conclusion**

During the initial 12 month period, 'Hub' services have been delivered successfully by Alpine Shire Council and library staff. Other associated Council staff across all four councils have been pleased with the 'hub' services.

The average cost of the Library service to Council per visit, is well below the average for all councils and for councils of a similar size to Wangaratta and the service is outperforming other councils on a number of other measures.

An extensive desktop review concluded that the current Agreement is based on user needs, is achieving value for money and is achieving the procurement objectives.

It is reasonable to assume that the other member councils will continue with the Hub and Spoke model and enter into the new proposed Shared Service Agreement for the provision of 'Hub' services for a further 3 years (with an option to extend for a further 3 years).

### **Attachments**

- 1 HIGH COUNTRY LIBRARY SHARED SERVICE AGREEMENT 2017 - 2020

## 15. INFRASTRUCTURE SERVICES

### 15.1 MEMORIAL REQUEST FOR THE LATE HARRY KILMINSTER

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 22 August 2017  
**Author:** Executive Assistant - Infrastructure Services  
**File Name:** Place Naming Committee - Naming Requests - 2017  
**File No:** S17/907

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 consider striking a memorial for the late Harry Kilminster as requested in a letter from Murray Edgar, Val Gleeson OAM and Peter Headland.

#### **RECOMMENDATION:**

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

#### ***That Council:***

- 1. resolves to strike a memorial for the late Harry Kilminster by installing a plaque on a suitable rock at a visible location at the Wangaratta Airport, Brian Higgins Drive, Wangaratta; and***
- 2. holds an unveiling event at a future date to be determined.***

**Carried**

#### Background

Harry Kilminster was the City Engineer from 1975 to 1988. During this time the Wangaratta Airworld building and Wangaratta flood mitigation levee banks were constructed and Harry's contribution appears in many Council records relating to those projects.

There was considerable opposition to the levee banks in the late 70s and early 80s, however Harry was a strong proponent of them and construction was eventually commenced in 1984 with 80% funding guaranteed by Federal and State governments. The levees have proven to be effective during major floods since.

Harry was a life member of the Local Government Engineers Association and held a pilot's licence since 1963. He was a part-owner of a Tiger Moth and president of Mid-Murray Flying Club.

In 'A Collection of O'Cal's Corner' titled "Building a Better Wangaratta", Harry Kilminster is described as "a chap of boundless energy and enthusiasm".

Harry became a member of the Wangaratta High School Advisory Council in 1976 and was heavily involved in the building program during the 1980s where the school enrolment rose from 700 to 1,300 students. As chairman of the Grounds and Building Committee he supervised all the building works at no cost. The school's administration building is named after him.

In the wider community there are tangible reminders of Harry. The Education Services building and Municipal offices (now the Wangaratta Government Centre); development of the water treatment plant; Kerr Street water storage; upgrade of the sewerage treatment plant; the Council works depot; establishment of the Saleyards; improvements to the One Mile Creek's flow and drainage; additional facilities at the HP Barr Reserve; and the construction of Airworld and the new airport.

In 1999, Harry together with Murray Edgar, helped to save the Millard Street water tower from demolition and secured its heritage listing. Harry assisted with maintenance of its surrounds for a number of years.

Harry regularly attended Council meetings and made submissions until his health failed and he sadly passed away on 25 June 2015.

North East Water conducted a community meeting in early 2017 to discuss the potential renaming of the water tower located in Millard Street, Wangaratta. The objectives of the meeting were to share historical information about the tower and the contribution of the late Harry Kilminster made to the community of Wangaratta.

Those present at the meeting considered the following options:

1. No naming of the tower
2. No naming of the tower but a plaque recognising all the men involved
3. Tower to be named after Harry Kilminster, with a plaque recognising others and
4. An opportunity for other name suggestions.

Those present agreed that rather than renaming the tower, that a 'storyboard' be constructed at the tower, recognising the contribution of all the men involved (refer attached letter).

Following the above meeting a letter was received from Murray Edgar, Val Gleeson OAM and Peter Headland requesting a memorial be struck for Mr Kilminster and suggested that the Wangaratta Airport would be a suitable location (refer attached letter).

**Implications****Policy Considerations****Commemorative Plaques and Other Markers Policy 2017**

*Memorial plaques are reserved for the recognition or memory of an individual (or family) having made a very significant contribution to public life. Plaques must be located at or near a place of 'logical association' and will only be permitted in exceptional circumstances.*

**Financial/Economic Implications**

Costs involved would include sourcing of a suitable rock or similar and engraved plaque of approximately \$1,500.00. Any event to launch the memorial would incur minor costs.

**Legal/Statutory**

There are no legal/statutory implications identified for the subject of this report.

**Social**

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

**Environmental/Sustainability Impacts**

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

**2013 – 2017 Council Plan (2016 Revision)**

This report supports the 2017-2021 Council Plan:

**Goal**

We are inspired

**What we do everyday**

We celebrate our diverse cultural heritage and the history of our place and people.

**Strategic Links****a) Rural City of Wangaratta 2030 Community Vision**

N/A



**b) Other strategic links**

N/A

**Risk Management**

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

**Consultation/Communication**

The Kilminster family has been contacted and support a memorial in recognition of their late father's contributions to Wangaratta.

**Conclusion**

The contribution of the late Harry Kilminster as outlined above, is worthy of a memorial being struck and the Wangaratta Airport (as suggested) is an appropriate visible location for such recognition.

**Attachments**

- 1 North East Water - Water Tower Naming
- 2 Request for Memorial in honour of Harry Kilminster

## 15.2 KING GEORGE V GARDENS PERFORMANCE STAGE - PETITION

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 22 August 2017  
**Author:** Coordinator - Technical Services  
**File Name:** CBD Masterplan - Ovens St - King George V Gardens  
**File No:** F17/136

Council officer, Ben Thomas – Technical Services Coordinator, has provided advice regarding this matter and is a committee member of the organisation that has submitted the petition to Council regarding the King George Gardens performance stage.

### **Executive Summary**

This report is presented to Council to provide a summary of the investigation undertaken into the requests included in the petition tabled at the Council meeting held on 18 July 2017. The petition was in relation to the retaining of the existing stage in the King George V Gardens. The stage is to be considered as part of the CBD Masterplan project to upgrade Ovens Street and King George V Gardens.

#### **RECOMMENDATION:**

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

#### ***That Council:***

- 1. ensures the existence of a permanent stage structure that is sympathetic to the design principles of the current concept design for the King George V Gardens;***
- 2. ensures the stage is designed as a multipurpose structure, useful for small performances as well as casual seating at other times.***

**Carried**

### **Background**

The Wangaratta Project – A Masterplan for the City (CBD Masterplan) suggests upgrade works to the King George V Gardens in order to improve the quiet reflective spaces of the gardens while respecting and reinforcing the heritage design of the open space.

The CBD Masterplan suggests this approach to ensure the gardens remain the CBD's green centrepiece, to future-proof its existing character and to improve its facilities so that it remains a much loved meeting spot and a comfortable green space for small events.

As part of the development of the concept design for the Ovens Street and King George V Gardens project, the design has called for the removal of the existing stage, with temporary stage structures to be implemented.

Council has undertaken community consultation on the concept design prepared by external consultant Group GSA. During this consultation period, a petition was received by Council containing over two hundred and fifty local resident signatures objecting to the removal of the existing stage. This report seeks to explore options for the implementation of a stage which meets the overlying objectives of the CBD Masterplan with consideration of the public comment received to date.

### **Implications**

#### **Policy Considerations**

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

#### **Financial/Economic Implications**

Budget approved in 2017/18 for the Ovens Street and King George V Gardens project is \$1,410,000. The costing of the stage would be considered in respect to this budget.

#### **Legal/Statutory**

There are no legal/statutory implications identified for the subject of this report.

#### **Social**

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

#### **Environmental/Sustainability Impacts**

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

### **2017 – 2021 Council Plan**

This report supports the 2017-2021 Council Plan:

#### **Goal**

We are Inspired

That build a unique creative hub in the centre of the city through the delivery of exciting spaces, engaging programs and opportunities for all our residents, community members and visitors.

## **Strategic Links**

The Wangaratta Project – A Masterplan for the City (CBD Masterplan)

## **Risk Management**

No risk has been identified.

## **Consultation/Communication**

There has been significant consultation in regard to the concept design for the Ovens Street and King George V Gardens. However, additional consultation will be required with key stakeholder groups to inform the final design of the stage structure.

## **Options for Consideration**

As part of the response to this petition, Council has investigated the following options:

- Option 1 - Removal of the existing concrete stage and instead use temporary staging structures during events and peak periods.

This option incorporates the removal of the existing concrete stage and the construction of temporary stage structures. The temporary stage structures are to be placed in the gardens over the peak usage period (spring to autumn) and removed and stored during the winter period. The temporary stage structures could be placed anywhere through the park as appropriate for the intended usage over the peak period.

- Option 2 – Ensure the existence of a permanent stage sympathetic to the design principles.

This option includes the construction of a permanent multipurpose stage that fits in with the aesthetics of the park. This stage could be designed to double as a seating area. Community consultation has highlighted a need for additional seating in the Gardens, for which a permanent stage structure could serve some purpose.

## **Conclusion**

From consideration of the petition, it is clear that a stage structure is an important part of the community requirements for the King George V Gardens. Both options presented within this report provide for this, however option 2 could also provide for year round seating, which has been deemed a requirement from feedback during community consultation. On this basis it is concluded that ensuring the existence of a permanent stage sympathetic to the design principles outlined in the concept design that can also be used as seating is a preferable solution for the community.

**Attachments**

Nil.

**Questions**

**Ed Bright - Wangaratta:** *Would there be any period where there would not be a stage in place and could Council guarantee that there would not be an extended period without a stage?*

**Alan Clarke, Director Infrastructure:** The intent would be if the stage was to go somewhere else then we would keep the other one up until the other was erected, if the new one goes in the current location there would be a period of where there is nothing there but we would endeavour to have a stage there at all times.

## 16. DEVELOPMENT SERVICES

### 16.1 PLANNING APPLICATION FOR USE AND DEVELOPMENT OF FORMER SYDNEY HOTEL PREMISES FOR THE WANGARATTA RSL

<b>Meeting Type:</b>	<b>Ordinary Council Meeting</b>
<b>Date of Meeting:</b>	<b>22 August 2017</b>
<b>Author:</b>	<b>Senior Planner</b>
<b>File Name:</b>	<b>Proposed RSL Development</b>
<b>File No:</b>	<b>PlnApp17/032</b>

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

#### Executive Summary

This application seeks planning approval to develop 2-4 Templeton Street, Wangaratta, (former Sydney Hotel) for use by the Wangaratta RSL Club. The proposal includes;

- Alterations and additions to the existing Hotel premises, increasing the footprint of the premises from 618sqm to 1,230sqm and demolition of the existing bottle shop.
- Altering the current liquor license from a Hotel License to Full Club License and modifying the associated red line plan to accord with the layout of the new premises.
- Installation of fifty (50) electronic gaming machines.
- Installation of two business identification signs.
- A reduction in required car parking.

The application was formerly advertised on 19 May 2017. A number of submissions to the application have been received, including two signed petitions and a number of pro forma statements. Submissions received are both in favour and opposed to the application. At the writing of this report 75 individual submissions and two petitions have been received with 37 of the submissions received considered to object to the application.

This report is presented to Council following receipt of these 37 objections.

#### **RECOMMENDATION:**

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

#### ***That Council:***

1. ***resolves to issue a Notice of Decision to Grant a Planning Permit with respect to Planning Application 17/032 for Use and Development of Land for a Restricted Place of Assembly (RSL***

***Club), Alter Liquor License to a Full Club License, Installation of Electronic Gaming Machines, Installation of Business Identification Signage and Reduction in Car Parking Requirements, at 2-4 Templeton Street Wangaratta (Lot 1 LP 112352 Vol 9578 Fol 685) in accordance with the draft permit conditions contained within the attachment.***

- 2. That condition four be amended to read that Electronic Gaming Machines do not exceed 50.***

**Carried**

### **Property Details**

The subject site is situated on the northern fringe of the Wangaratta CBD, located on the north-western corner of the intersection of Templeton Street, Faithfull Street and Bickerton Place. It is adjacent to an office use and car sales premises to the west, the Ovens River to the north, cafes and office uses to the south-east, office uses and retail to the south and King George Gardens to the south-west.

The site measures 2,800sqm in area and currently comprises two detached single storey brick buildings that are constructed towards the southern boundary of the site where they address Templeton Street and Bickerton Place respectively.

The primary building on site is the recently vacated Sydney Hotel, made up of a main entrance fronting Templeton Street, an open plan bistro, small function room, sports bar, covered alfresco and associated service and amenities rooms. The building is identified in Council's heritage provisions as contributing to the heritage character of Wangaratta, particularly the front façade addressing the road frontages. To the east of the Hotel, fronting Bickerton Street, is a detached drive through bottle shop that was a later addition.

The remainder of the site, located to the rear, is made up of both sealed and unsealed open area. The sealed section comprises approximately 22 formally line marked car parking spaces and vehicle access. The applicant claims that the unsealed section has also been used in providing some informal parking.

It is noted that the north-western section of the carpark (approximately 120 Sqm) is contained within the neighbouring title owned by North East Water. The RSL have been liaising with North East Water regarding the transfer of this land and application has been made for a boundary realignment. This application is currently being processed by Council's Planning Department; however, there are not considered any significant impediments in supporting the resubdivision. The resubdivision process is not considered to affect the subject application as the car park area will continue to enjoy existing use rights and North East Water have provided written support for such use to continue.

There are currently three vehicle access points to the subject land; one providing access to the rear car park from Templeton Street and two providing for the one-way flow of traffic through the drive-through bottle shop. The two bottle shop

access points are proposed to be removed while the existing car park access will remain; albeit widened to allow for the two-way flow of traffic.

### **Permit Triggers**

Land/Address	2-4 Templeton Street, Wangaratta
Zones and Overlays	<p>Mixed Used Zone</p> <p>Heritage Overlay - Schedule 29</p> <p>Design and Development Overlay – Schedule 1</p> <p>Parking Overlay – Schedule 1</p>
Why is a permit required	<p>Use and Development of Land for Restricted Place of Assembly (Section 2 Use) in the Mixed Use Zone</p> <p>Buildings and works, including demolition, within the Heritage Overlay</p> <p>Buildings and works in the Design and Development Overlay</p> <p>Alter Liquor License to a Full Club License</p> <p>Installation of Gaming Machines</p> <p>Installation of Business Identification Signage</p> <p>Reduction in Parking Requirements</p>

### **Proposal in Detail**

This application is for the use and development of the subject land for the Wangaratta RSL. The application includes the following building and works;

- Demolition of the existing drive-through bottle shop building, removal of the bottle shop vehicle access/egress and reinstatement of the kerb.
- Alterations and additions to the main Hotel building, primarily to the rear. The works will result in an increase in building footprint from 618sqm to 1,230sqm.



- Redevelopment of the existing carpark to the rear of the premises to provide for up to 36 formalised car parking spaces. The existing car park access to Templeton Street will be widened to allow for two way vehicle movement.

The proposed layout for the new premises will include an internal bistro, function room, café/bar, a gaming room, offices, amenities and service areas. Extensive external spaces are also proposed in the form of a covered alfresco area to the front of the premises and two separate deck areas to the rear, looking out over the Ovens River and surrounds. A portable building containing administration facilities and storage is also proposed to be provided to the rear of the premises. The applicant submits that the portable building is intended to be a temporary arrangement until funding can be raised to carry out further, more permanent building works.

Public access to the building will be via two new entrances; one to the front of the premises, from Bickerton Place, and one to rear of the premises from the proposed car park. The existing primary access to the building from Templeton Street is proposed to cease with this entrance space to remain glazed and to contain the RSL's marble honour board facing out toward Templeton Street. The external space immediately to the front of this area will be retained in acknowledgement of the former entrance to the building but will also provide other memorial features and an open space for ceremonies.

A portion of the car park (parking spaces 9 to 12 and 27 to 31) will be allocated to act as a loading bay and turning space for delivery vehicles between the hours of 6am and 11am. Deliveries will not be permitted outside of these times. After 11am these areas will revert back to use as car parking spaces. As the RSL operation is proposed to open at 10am, there will be a one hour period in the morning where the full requirement of car parking spaces will not be provided on site; hence the request for consent to reduce required car parking provision during this one hour period.

Proposed signage consists of two business identification signs; one at the primary entrance to the premises and one along the rear deck.

The proposed use requires an alteration of the current liquor license from a Hotel License to a Full Club License. A new red line plan to reflect the altered layout of the building and the external alfresco and deck areas is also proposed.

Proposed hours of operation are 10am to 10pm, Sunday to Thursday, and 10am to 12-midnight, Friday and Saturday.

The application also includes the installation of fifty electronic gaming machines within the proposed premises. The machines will be confined within the designated gaming room. The gaming machine component has been the most contentious element of this proposal. The proposal for 50 machines represents an increase in the number of EGMs of approximately 13%. It is acknowledged that the municipal cap on the number of EGMs will not be exceeded as a result of the proposal (currently set at 214) and that the municipality is not covered by the regional cap on EGMs (which is an indicator of a community's relative vulnerability to problem gambling). However, municipal and regional caps are not

a benchmark, but are rather a maximum based on three indicators of vulnerability, namely density, gaming expenditure and relative socio-economic disadvantage.

Currently there are 136 EGMs within the municipality housed at four venues being the Pinsent Hotel (44), The Old Town 'N' Country Tavern (35), Wangaratta Club (25) and the Wangaratta RSL (32). These 136 machines generated a total expenditure from July 2015 to June 2016 of \$8,236,834.09, an average of \$60,564.96 per machine for the 12 month period and a total of \$8,712,157 for the same 136 machines from July 2016 to June 2017. An increase of almost \$500k.

This venue once developed will be the largest EGM location in the municipality and evidence suggests that larger gaming venues have the potential to increase the risk of gambling related harms within the community. Larger venues provide more choice in terms of number and type of machines, greater anonymity for gamblers in a bigger venue, reduced waiting times for machines and breaks from machines, and encouragement of gambling persistence and monetary loss. Gambling related harms was identified as a potential risk area for Wangaratta at the recent gaming commission hearing before the release of the latest figures.

### **Summary of Key Considerations**

- Buildings and works in the Heritage Overlay and Design and Development Overlay
- Vehicle Access
- Car parking Provision
- Installation of Gaming Machines

### **Relevant Planning Provisions**

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

<b>Section</b>	<b>Clause</b>	<b>Provision</b>
State Planning Policy Framework	15	Built Environment & Heritage
	17	Economic Development
Local Planning Policy Framework	21.06 & 22.02	Urban Development & Central Activities Area
	21.08 & 22.04	Economic Development
	21.10 & 22.06	Environmental Management and Heritage
Zones	32.04	Mixed Use Zone
Overlays	43.01	Heritage Overlay
	43.02	Design & Development Overlay
	45.09	Parking Overlay

Section	Clause	Provision
Particular Provisions	52.05	Advertising Signs
	52.06	Car Parking
	52.07	Loading & Unloading of Vehicles
	52.27	Licensed Premises
	52.28	Gaming
	52.34	Bicycle Facilities
Decision Guidelines	65.01	Approval of an Application or a Plan

### **Referrals**

The application was referred to the following referral authorities:

Authority	Section	Response
North East Water	External Section 52 Notice as adjoining landowner.	No objection subject to the inclusion of one condition relating to waste disposal.
Wangaratta Police	External Section 52 Notice	No response provided

At time of preparing this report Wangaratta Police had not responded to this application. The Police are notified of any application received for licensed premises but rarely provide response to proposals in the CBD where hours of operation do not extend beyond 1am. As the application for licensed premises proposes operating hours that do not extend beyond 12-midnight, a lack of response from the Police is not considered unusual.

### **Internal Departmental Advice**

Department	Response
Technical Services Department	<p>No objection – subject to conditions.</p> <p>The conditions relate to the provision of drainage infrastructure, onsite detention, property access, car parking and construction standards.</p> <p>Property access requirements include the need to provide traffic mitigation measures within Templeton Street.</p> <p>The applicant has submitted a Traffic Impact Assessment Report (TIAR) as part of the application stating that improved traffic measures are not warranted. This is based on an assertion that the current carpark could potentially provide for up to 44 car parking spaces and only 36 car parking spaces are proposed as part of this</p>

Department	Response
	<p>application, effectively decreasing the use of the car park area and associated access.</p> <p>This assertion is not supported by Council's Technical Services department for a number of reasons, including;</p> <ul style="list-style-type: none"> <li>- The existing car park has not been used in accordance with the submitted existing site plan, which indicates the provision of 44 car parking spaces. The car park instead comprises just 22 formal parking spaces. The demolition of buildings and removal of landscaping to the rear has provided additional land than is available for informal parking use; however, the parking of 44 vehicles within this space is not considered practical.</li> <li>- The proposed new facility will occupy a footprint approximately twice that area of the existing hotel, with an anticipated maximum patronage of 400 (the applicant submits that the liquor license will likely allow up to 800 patrons). The proposal is therefore considered to significantly increase the demand for parking, traffic movements and the uptake in usage of the car park area.</li> <li>- Historical aerial images over a period of 15 years observe no more than 12 vehicles within the car park area at any one time. The car park therefore appears to have been historically underutilised.</li> <li>- The introduction of direct access between the venue and car park area is expected to increase patron uptake in utilising the car park.</li> </ul> <p>Usage of the car park and access is therefore considered to increase significantly as a result of this application, with safe ingress and egress considered paramount in the assessment of this application.</p> <p>The applicant has been requested to address this matter, including a parking demand analysis to better understand likely uptake in car park usage; however, the applicant has chosen not to undertake such work, each time reverting to the analogy that the proposal will represent a decrease in car park use.</p> <p>Traffic mitigation measures recommended by Technical Services in order to address safe access include;</p> <ul style="list-style-type: none"> <li>- <u>Provision of two-way access at the entrance to the site.</u></li> </ul> <p>Submitted plans indicate that this will be provided.</p> <ul style="list-style-type: none"> <li>- <u>Adequate provision to ensure that all traffic leaving the subject property enters Templeton Street by making a left-turn only.</u></li> </ul> <p>The applicant has submitted that right-turn into Templeton Street should be permitted despite safe sight lines not being able to be achieved, claiming this is not unusual in built-up</p>

Department	Response
	<p>areas. This analogy is not supported with a right hand turn out of the premises considered to be a very unsafe manoeuvre, particularly with significantly increased use of the access. Sight lines are constrained at this location and immediately to the left exists the busy Templeton/Faithfull/Ovens Street roundabout with vehicles entering from Ovens Street being partially obscured. A right-hand turn into Templeton Street is therefore deemed to be considerably dangerous and should be prevented from occurring. Recommended conditions appropriately address this matter.</p> <ul style="list-style-type: none"> <li>- A dedicated right-turn lane to accommodate westbound traffic entering the subject property.</li> </ul> <p>The applicant submits that there is adequate width within the westbound lane to allow for vehicles to manoeuvre around another vehicle turning right into the subject site. This is achievable only if the vehicles turning right moves sufficiently across toward the middle of the road to allow the other vehicle to pass. A dedicated right-hand lane is therefore considered necessary is ensuring that this does occur and that traffic existing the roundabout is not unreasonably obstructed. Recommended conditions appropriately address this matter.</p>
Heritage Advisor	<p>No objection subject to the inclusion of conditions relating to landscape elements to complement the proposed development design and details of materials and colours of the portable administration building to the rear of the proposed development.</p> <p>The Heritage Advisor has been heavily involved in the design phase of the development prior to lodgement of the application as well as during the application process, providing formal advice on six separate occasions. All concerns raised by the Heritage Advisor have now been addressed through the design of the proposed development.</p>

### **Advertising**

The application was advertised to surrounding landowners and occupants on 18 May 2017. Owners and occupants notified entail;

- All properties in Templeton Street, Faithfull Street and Ovens Street within one block of the subject site;
- All residential properties within 300m of the subject site;
- All other properties within 100m of the subject site.

A notice was also placed within the Wangaratta Chronicle 'Rural Connection Page' on 19 May 2017.

Prior to notification 33 submissions were received as a result of media coverage. Since notification 42 individual submissions and two petitions have been received.

Out of the 33 submissions received prior to notification, 30 were in pro-forma format without any reference to the planning permit application or the property address, but containing completed tick boxes indicating that submitters are opposed to the RSL increasing its number of gaming machines with some also providing further comment on why the increase in gaming machines is not supported. As the submissions do raise concern relating to an aspect of the planning permit application, they have been considered objections for the purpose of processing the subject application. The three other individual submissions also constitute objections to the application; however one of these, submitted on behalf of the Wangaratta Club, is considered to have been made in order to maintain a commercial advantage for the objector.

Since notification, four objections to the application have been received as well as one submission and one petition requesting further community consultation and extended timeframes in which to make a submission. In addition to these, 37 submissions have been received in support of the proposal, including one submission from the President of the RSL on behalf of the RSL and one petition in support of the proposal.

In total, it is considered that 37 submissions and one petition are in favour of the proposal and 37 submissions object to the proposal. The one submission and one petition requesting further community consultation and extended timeframes are considered to neither support the proposal, or to object or raise any particular concern with the proposal, instead calling on Council to undertake further community consultation.

Council Officers have advised the submitters that the planning application is a proponent driven proposal that must be assessed against the provisions of the Wangaratta Planning Scheme according to the provisions of the Planning and Environment Act 1987. Notification has been carried out in accordance with the Act.

A three month period has transpired between notification of the application and the application being considered ready for Council determination. This is considered adequate time in which to consider the application and make a submission.

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

Ground for Submission	Concern Raised	Comments/Response
Gaming Machines	Social and economic impacts of gaming machines.	Refer to detailed assessment under Gaming Machines.

Ground for Submission	Concern Raised	Comments/Response
	<p>Making the proposed redevelopment dependant on the approval of additional poker machines is not a reasonable way to proceed, placing unreasonable pressure on Council.</p> <p>Potential to apply for further machines in the future</p> <p>Increased gaming machines poses a threat to the ongoing viability of the Wangaratta Club.</p>	<p>Gaming machines form part of the application process and are to be assessed on their own merits, against the relevant provision of the Wangaratta Planning Scheme and the Planning and Environment Act 1987.</p> <p>Any increase in gaming machines would require further planning approval. Any such application would be assessed on its merits at the time.</p> <p>Commercial competition cannot be considered as part of this permit application; however the detailed assessment under Gaming Machines provisions does consider some of the broader social and economic impacts of the proposal. It is also noted that some of these operators do provide further contributions to the community and have listed these.</p>
Car Parking	The proposal will likely increase parking demand in the area, particularly Templeton Street and Sydney Beach which are already at capacity.	<p>Car parking complies with parking requirements throughout most of the day. The one hour period in which there will be a shortfall of six car parking spaces is considered to be the quietest period of the day for the proposed operation, with adequate parking supply in the surrounding area able to make up for the shortfall during this period. A reduction in parking supply between 10am and 11am is therefore supported.</p> <p>Refer to car parking assessment.</p>
Traffic Management	Concern over safety of right turn out of the subject site onto Templeton Street.	It is recommended that traffic mitigation works be undertaken to prevent right hand turn into Templeton Street.



Ground for Submission	Concern Raised	Comments/Response
Hours of operation	One submission has questioned the hours of operation proposed, the impacts of noise on residents in Templeton Street and what guarantees there are that further applications will not be made to increase hours of operation.	<p>The application has clearly stated the hours of operation for the proposed use, with operation to extend no later than 10pm, Sunday to Thursday, and 12-midnight, Friday and Saturday. These are considered reasonable hours in the context of the site's location within the Wangaratta CBD. No residents within Templeton Street have raised any concern with respect to hours of operation or noise.</p> <p>The applicant is entitled to make further application to increase these hours of operation in the future and any such application will be assessed on its merits in accordance with the relevant provisions of the Wangaratta Planning Scheme.</p>
Orientation of the development	The proposed development does not take advantage of vistas toward the Ovens River and surrounds.	<p>The development is considered to achieve a reasonable balance between providing adequate services and car parking whilst also taking advantage of views over the Ovens River and surrounds. The rear deck areas and function room are designed to look out to the river environment.</p> <p>A detailed assessment under the provisions of the Design and Development Overlay has found the proposed design outcome to be acceptable.</p>
Heritage	Lack of heritage preservation in the proposed development and poor choice of external cladding materials. Any proposed building works should reflect the Art Deco era of the existing building.	<p>Council's Heritage Advisor is supportive of the proposed development design. Contrasting building design between the old and new with subtle links between the two is preferable over any attempt to replicate the heritage building.</p> <p>Refer to detailed heritage assessment below.</p>



Ground for Submission	Concern Raised	Comments/Response

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

#### **Zoning**

Pursuant to **Clause 32.04** of the Wangaratta Planning Scheme the site is identified as being located within a small pocket of Mixed Use Zone, surrounded predominantly by land in the Commercial 1 Zone.

Key purposes of the Mixed Use Zone include;

- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*

Under the provisions of the Mixed Use Zone a permit is required to use the land for the purpose of a Restricted Place of Assembly, which is defined as;

*Land used by members of a club or group, or by members' guests, for religious or cultural activities, entertainment, or meetings. It may include food and drink for consumption on the premises, and gaming.*

The proposal is considered to meet the purposes of the Mixed Use Zone in that the proposed Restricted Place of Assembly is considered to constitute a use which complements the mixed use function of the subject zone as well as the commercial function of the surrounding Commercial 1 Zone. The design of the proposed development is considered in keeping with the character of the surrounding commercial area.

It is noted that the small section of car park contained within the neighbouring North East Water title is located within the Public Use Zone – Schedule 6 (Local Government). While a car park associated with a private land use is not considered in keeping with the purpose of this zone, neither the existing or proposed land uses are identified as being prohibited. Further it is considered the historical use of this section of land for a car park associated with a private land use is afforded existing use rights under Clause 63 of the Planning Scheme. Continued use of this land for private purposes is therefore considered a reasonable outcome. A separate planning application for a boundary realignment to transfer the subject land across to the RSL is currently before Council. A future Planning Scheme Amendment may consider the zoning anomaly at a later time as part of larger amendment process for corrections or fix ups.

#### **Heritage**

#### **Clause 15 – Built Environment and Heritage (SPPF)**

#### **Clauses 21.10 & 22.06 – Environment Management & Heritage (LPPF)**

### Clause 43.01 – Heritage Overlay

- *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.*
- *Ensure that new development and any publicly visible additions and/or alterations to a heritage place maintain the significance of the heritage place and/or precinct.*
- *Encourage the retention, reuse and recycling of significant and contributory heritage places in the Heritage Overlay in a manner which conserves and does not detract from the significance of the heritage place and/or precinct.*
- *Ensure that the conservation of heritage places and precincts is based upon a clear understanding of the reasons for their significance.*

The subject site is affected by Schedule 29 to the Heritage Overlay, being an individual listing for 'The Sydney Hotel, 2-4 Templeton Street, Wangaratta'.

The RCOW Heritage Study 2004 identifies the heritage building as being constructed in 1941-42. It is described as a simple, very plain building and a good example of the effect of wartime restrictions on the supply of materials for non-military purposes. Whilst the site is not listed under the Victorian Heritage Register, it is identified as being of local heritage significance.

Council's Heritage Advisor has been heavily involved in pre-application consultation design concepts as well as providing input following submission of the application. The Heritage Advisor's comments have been sought both through site meetings and through formal heritage advice in the form of six separate submissions. The comments are summarised as follows;

The design of the Sydney Hotel demonstrates a *Modern* approach to architecture. This can be seen in the asymmetry of the façade – a projecting section with an offset central rectangular pillar and this is flanked by a long and low façade. The horizontal elements found within the massing of the built form are reinforced by the horizontal proportions introduced by the etched glass windows – all showing the Spirit of Progress crossing a bridge and potentially entering Wangaratta. The emblematic use of the Spirit of Progress is significant and appears to inform or provide support for the style of the hotel.

The proposed development and adaptive re-use of the former Sydney Hotel has largely satisfied the Objectives of the Heritage Overlay.

#### Former Entrance

The former entrance to the hotel has been successfully converted to a remembrance area. The proposed design has considered the architecture and, through new landscape elements and the judicious design of seating and walling, has managed to maintain both a sense of the former use while creating a new spatial environment.

A detailed landscape plan for the former entrance area should be provided. This should include hard finishes, planting schedule and the design of the seating.

### **RSL marble memorial**

The proposed location at the former entrance is supported. It will allow for a wide public appreciation of this memorial. The marble will need to be specially mounted with advice from appropriate experts. The weight of the memorial will require some thought as to what it will be mounted on.

### **East elevation/façade to Bickerton Place**

The eastern façade (and this includes the entrance and the new function room) has through its scale and design allowed the former hotel to retain its architectural stature.

The articulation of the east wall of the function centre has resolved some of the concerns with the blankness of the wall, as this is an area that needs to retain its diversity and interactive character between built fabric and pedestrians. This is also assisted by the return of the verandah. This has greatly improved this elevation. Further detailed landscape plans will assist in further softening of this area.

### **Toilet Block fronting Bickerton Place**

The toilet block adjacent to the entrance has been disguised and by internalising the plumbing it will reduce its impact. The architects have subtly adopted the early modernist design principles of the Sydney Hotel and reinterpreted these to create a relatively austere façade-softened by brick detailing. It provides a transition between the original architecture and the modern 'box' to the rear.

### **South elevation/façade to Templeton Street**

Much discussion and correspondence has revolved around separation barriers originally proposed within the front alfresco area in order to meet with DOSA (Designated Outdoor Smoking Areas) requirements, specified under legislation outside of the scope of this planning permit application. As a result of discussions and correspondence, the proposed structure has now been removed from the development. The applicant has been advised that the reintroduction of these structures in the future will not be supported and alternate measures to meet DOSA requirements will need to be found. Any measures requiring additional building works will likely require further planning approval.

A newly proposed planter, including landscaping within the planter, will be required to not exceed one metre in height.

### **Portable Building to rear**

Further details required (materials, finishes, etc.) but it is supported in principle.

Conditions should be placed on any permit reflecting the Heritage Advisor's comments for further details regarding landscaping and the portable administration building. Subject to satisfactory compliance with these conditions, it is considered that the heritage significance of the site will adequately be retained/conserved and the proposed development will sufficiently complement the existing built form.

The Heritage Advisor has also provided some architectural and urban design input with respect to the Design and Development Overlay, which has been included as part of the assessment under the Overlay.

## **Design of the Development**

### **Clause 21.06 & 22.02 – Urban Development & Central Activities Area (LPPF)**

### **Clause 43.02 – Design and Development Overlay – Schedule 1**

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

Similar to heritage matters, there has been much discussion and correspondence with the respect to the design of development and its interaction with the public realm. This has culminated in a final design that Council Officers are comfortable with in respect of the relevant provisions under **Clauses 21.06, 22.02 and 43.02**. The final design is considered to strike an acceptable balance between addressing the site's public interface to the north, south and east. Building elements to the north, south and east provide for active frontages and articulation in building design and materials.

The design and layout of the rear deck areas, the function room and bistro area capitalise on views out over the Ovens River and its surrounds.

The combination of outdoor areas and use of glazing and building articulation will contribute to the sense of activity, vitality and comfortable rear round fill within the

River Precinct area, complimenting other café, restaurant and bar uses within the immediate surrounds.

Landscaping is also identified under the Design and Development Overlay as a key element is achieving an appropriate design outcome for this proposal. The application includes indicative detail of landscape siting; however, a detailed landscape plan and schedule will be required to ensure suitable species selection, siting, quantities and spacing. The requirement for such detail can form a condition of any planning permit.

Building layout, glazing and outdoor areas also make use of available northern orientation and capitalise on solar access. The premises is proposed to maintain a consistent floor level throughout, facilitating ease of access.

## **Car Parking**

### **Clause 45.09 – Parking Overlay – Schedule 1**

#### **Clause 52.06 – Car Parking**

- *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 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.*

The **Parking Overlay** and **Clause 52.06** operate in conjunction with one another, with a schedule to the overlay able to vary the parking requirements of **Clause 52.06**. As the relevant schedule to the **Parking Overlay** contains parking rates for Place of Assembly, the parking rates under **Clause 52.06** do not apply.

The **Parking Overlay** stipulates a rate of 3 spaces per 100 sqm of Gross Floor Area for a Place of Assembly. With a gross floor area of approximately 1,100 sqm, this equates to a requirement for 33 onsite car parking spaces. Submitted plans indicate the provision of 36 parking spaces all of which are considered to comply with relevant dimension criteria.

The application, however, proposes to utilise nine of these spaces to facilitate a loading bay and delivery vehicle movements between the hours of 6am and 11am. Such an arrangement results in only 27 spaces being available during these hours. As the proposed use is not intended to operate until 10am, there will be a one hour overlap in hours of operation where there will be a shortfall of six parking spaces.

**Clause 52.06-3** allows a permit to be granted to reduce the number of spaces required under the Parking Overlay. As the shortfall in parking will only occur for a period of one hour, during what is anticipated to be one of the quietest periods of day for the proposed operation, such is supported. Further, the benefit of being able to provide for the safe and efficient operation of delivery vehicles outweighs any adverse impacts resulting from a temporary shortfall in parking rates.

Two submissions do raise concern with respect to increased demand for parking within local streets, particularly Templeton Street. The Traffic Impact Assessment Report submitted as part of the application, however, includes a survey of surrounding public parking provision demonstrating surplus supply of public parking within the surrounding area throughout weekday and weekend periods.

### **Loading Facilities**

#### **Clause 52.07 – Loading and Unloading of Vehicles**

- *To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.*

The designated loading bay, which will incorporate parking spaces 27 to 31, complies with the minimum dimension requirements under **Clause 52.07**. Further, the restriction over parking spaces 9 to 12 will facilitate delivery vehicles being able to enter and leave the site in a forward direction. As suitable loading arrangements are not available outside of 6am to 11am any permit should restrict deliveries to these time only.

### **Bicycle Facilities**

#### **Clause 52.34 – Bicycle Facilities**

- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

Bicycle facilities will be provided in accordance with the provisions of **Clause 52.34** which stipulates a minimum of three bicycle facilities for patron use, in the form of bicycle rails, and a minimum of one bicycle facility for employee use, in the form of a bicycle locker.

### **Signage**

#### **Clause 52.05 – Advertising Signs**

- *To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*

- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

Proposed signage consists of two business identification signs; one at the primary entrance to the premises and one along the rear deck. Both signs will contain the text 'Wangaratta RSL'.

The proposed entrance design includes a 2 metre high, 4 metre long feature wall in which the internally lit sign will be installed. The sign will run for the full length of the 4 metre wall, with an estimated height of approximately 400mm, equating to an advertising area of 1.6sqm.

The other business identification will be attached to the Bickerton Place side of the covered rear deck. It will measure 400mm in height and extend for a length of approximately 3.4 metres, equating to an advertising area of 1.36sqm.

Land in the Mixed Use Zone is identified as a Category 3 – High Amenity Area for the purposes of **Clause 52.05**, with business identification signage requiring a planning permit.

The proposed business identification signs are considered in keeping with the provisions of **Clause 52.05**. The design of the two signs is considered simple and discreet, compatible with the amenity and visual appearance of the area. The signs will not contribute toward any excessive visual clutter or visual disorder and will not affect the safety, appearance or efficiency of adjoining roads.

## **Licensed Premises**

### **Clause 21.08 & 22.04 – Economic Development (LPPF)**

#### **Clause 52.27 – Licensed Premises**

- *To ensure that licensed premises are situated in appropriate locations.*
- *Manage the interface between licensed premises and surrounding or adjoining residential areas.*
- *Minimise negative onsite and off-site amenity effects of licensed premises on adjoining land uses and neighbourhood amenity and character, principally entertainment noise and unsocial human behaviour.*
- *Manage the location, operation and opening hours of licensed premises in order to protect the amenity of nearby residential areas.*
- *Protect residential properties from adverse noise, traffic and parking associated with night-time activities of licensed premises.*

**Clause 52.27** stipulates that a planning permit is required where a different category of license is required and where hours of trade, patron numbers and the licensed area are to be increased.



The Planning Scheme lacks any policy provision around the appropriate sighting of licensed premises. The location of the subject site, however, on the northern fringe of the CBD, neighbouring other licensed premises is considered appropriate, particularly given the former use of the site as a Hotel.

**Clause 22.04** provides policy direction surrounding hours of operation for licensed premises, providing that closing times up until 11pm on Sundays and 1am on all other days can be reasonably expected within the CBD. The proposed closing times of 10pm Sunday to Thursday, and 12-midnight Friday and Saturday, comply with this policy direction.

There are commercially zoned residential properties within reasonably close proximity of the subject site; however, no nearby residents have raised any concern with the proposal. **Clause 22.04** provides that the following conditions be placed on any permit relating to a licensed premises;

- The level of noise emitted from the premises must not exceed the permissible noise levels for entertainment noise as specified in the following policies:
  - *State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1.*
  - *State environment protection policy (Control of Music Noise from Public Premises) No. N-2.*
- The amenity of persons living in proximity to the site must not be detrimentally affected by reason of the emission of adverse noise from the premises.
- The maximum number of patrons permitted on the licensed premises at one time must not exceed a number specified by *Liquor Licensing Victoria*.

Subject to compliance with these standards, the proposed licensed premises is not anticipated to cause any adverse amenity impact upon surrounding sensitive uses.

## **Gaming Machines**

### **Clause 52.28 – Gaming**

#### **Section 60 of the *Planning and Environment Act 1979* – What matters must a Responsible Authority consider?**

- *To ensure that gaming machines are situated in appropriate locations and premises.*
- *To ensure the social and economic impacts of the location of gaming machines are considered.*



- *To prohibit gaming machines in specified shopping complexes and strip shopping centres.*
- *Before deciding on an application, the Responsible Authority must consider any significant social effects and economic effects which the Responsible Authority considers the use or development may have.*

The application includes a proposal to install 50 gaming machines on site, to be located within the designated gaming room.

**Clause 52.28-2** provides that a planning permit is required to install or use gaming machines. As the subject premises has not previously had gaming machines installed, a planning permit is required.

**Clause 52.28-4**, together with the schedule to **Clause 52.28**, identifies that the installation or use of gaming machines is prohibited in all strip shopping centres within Wangaratta. A strip shopping centre is identified as an area that meets all the following requirements;

- It is zoned for commercial use.
  - ✗ *The subject site is not located within a Commercial Zone, but is instead located within the Mixed Use Zone. While the Mixed Use Zone allows for commercial operations to be considered, this is not the primary purpose of the zone.*
- It consists of at least two separate buildings on at least two separate and adjoining lots.
  - ✓ *The subject sites adjoins another lot also containing a building.*
- It is an area in which a significant proportion of the buildings are shops.
  - ✗ *The area is made up predominantly of offices uses and food and drink premises. There are not considered to be a significant proportion of shops.*
- It is in an area in which a significant proportion of the lots abut a road accessible to the public generally.
  - ✓ *Lots in the area abut public roads.*

The subject area is therefore not considered to constitute a strip shopping centre as it fails on two of the four criteria. The installation of gaming machines is therefore not considered to be prohibited.

**Clause 52.28-5** provides the Decision Guidelines with which to consider the application for gaming machines against. The scope of matters that can be considered is quite limited with the relevant Decision Guidelines detailed as follows;

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

*The Wangaratta Planning Scheme contain no specific State or Local planning policy provisions with respect to gaming machines; however, social and economic considerations are called upon in a broader context.*

- The compatibility of the proposal with adjoining and nearby land uses.

*Adjoining and nearby land uses are quite varied, ranging from a mix of cafes/restaurants, office uses, residential uses, other commercial operations and public open spaces. The proposal is considered compatible with these uses with respect to any likely amenity impacts. The appropriateness of the location with respect to social and economic considerations is detailed below.*

- The capability of the site to accommodate the proposal.

*The subject site is capable of accommodating the proposed gaming room and associated gaming machines, as well as a range of club facilities and services, including required utilities, car parking, loading facilities, etc.*

- Whether the gaming premises provides a full range of hotel facilities or services to patrons or a full range of club facilities or services to members and patrons.

*The gaming premises provides other services in the form of food and drink facilities, functions/events and counselling, which can be considered to make up a full range of club services.*

### **Appropriateness of location**

In addition to the decision guidelines, regard must also be provided to the economic and social impacts of the location of gaming machines.

The above assessment under **Clause 52.28-4** establishes that the subject site does not constitute a strip shopping centre; however, this does not necessarily imply that the location is appropriate. *Mount Dandenong Tourist Hotel Pty Ltd v Greater Shepparton CC (2012) VCAT 1899* provides that the prohibition of gaming machines in strip shopping centres is based on the long held view that locating gaming venues in such locations is likely to increase impulse gambling when individuals are in the course of a trip for a different purpose. A venue may be located outside of a defined strip shopping centre but still be convenient, accessible and/or prominent in places where the community congregates on a regular basis with money in their pockets; thereby promoting impulse gambling. Such venue may be termed as a “convenience” venue.

In the assessment of risks posed by gaming venues, Senior Member Liston, in *SJ Beaumont Investment Pty Ltd v Warrnambool CC (2012) VCAT 464*, finds “convenience” venues to be more of a risk than what are termed “destination

venues". VCAT 464 provides that a destination venue is a venue whereby a user must make a particular decision to travel to the venue to gamble. A convenience venue is a venue where a user might pass by the venue during his or her daily activities, facilitating impulse decisions to go to the venue to gamble.

The Social and Economic Impact commissioned by Council for the gaming application, identifies that, despite the RSL relocating from a premises that meets the definition of a strip shopping centre to a premises that does not, the new premises is more akin to that of a convenience venue with the potential to increase the risk of impulse gambling. However, it is also considered to partly constitute a destination venue whereby a large proportion of the community would not pass it as part of their day-to-day activities; at least not as a pedestrian.

The existing Wangaratta RSL is currently located in the heart of the Wangaratta CBD. However, it is not located on a site that is highly visible to passing pedestrians. Furthermore, it is in very close proximity to a number of facilities and venues that provide non-gambling social, leisure, recreational and entertainment activities. These factors reduce the potential for the venue to contribute toward convenience gambling. The proposed new premises is located on a prominent site at the intersection of two main roads through the city. It also adjoins, and is highly visible from, a site that is a key tourist attraction. These physical and locational features of the proposed new site have the potential to promote impulse gambling; however, so too does the existing RSL premises.

The two sites are both identified as being located within an area of socio-economic disadvantage. The new premises will be located closer to residential areas of social-economic disadvantage, within easy walking distance; again, however, this is not considered to be significantly different to the current RSL location.

On balance, the proposed new premises is considered to sit somewhere in the spectrum between what constitutes a convenience venue and what constitutes a destination venue. The proposed premises displays characteristics akin to both, but is not considered to categorically constitute one or the other. The same can be deduced for the current RSL location.

Any social and economic impacts, by location, associated with the proposed new premises are considered to be minor in nature and able to be offset through the social and economic benefits associated with upgrading the former Sydney Hotel and improving facilities available to the Wangaratta RSL and its members. The installation of gaming machines at the proposed new venue is therefore considered to generate a neutral social and economic outcome.

### **Consideration of Significant Social and Economic Effects under Section 60 of the Act**

As provided above, Section 60 of the Act requires Council, as the Responsible Authority, to consider any significant social effects and economic effects which the Responsible Authority considers the use or development may have.

The location of the proposed new premises for gaming machines associated with the Wangaratta RSL is considered to be an acceptable outcome with respect to social and economic considerations and is not considered to have a significant social or economic effect.

Consideration with respect to the number of gaming machines is not detailed anywhere in Clause 52.28. Any assessment as to the appropriateness of machine numbers must therefore be assessed under the more general provisions of Section 60 of the Act. The application proposes the installation of 50 machines at the new premises, relocating 32 machines from the current Wangaratta RSL premises and introducing 18 new machines from outside of the municipality.

Separate application for the relocation and increase in gaming machines has been made to VCGLR, with the Commission supportive of both. As part of the application process Council made submission to VCGLR advising that it supports the relocation but not the increase in gaming machines numbers. In order to inform this position, Council engaged the services of consultants experienced in this field to prepare an independent Social and Economic Impact Statement. The Statement considers the likely social and economic benefits and disbenefits of the proposal associated with;

- |                                 |                           |
|---------------------------------|---------------------------|
| • Employment Generation         | – neutral                 |
| • Competition                   | – minor benefits          |
| • Economic stimulus             | – minor benefits          |
| • Tourism                       | – minor benefits          |
| • Community contributions       | – minor benefits          |
| • Infrastructure and facilities | – minor benefits          |
| • Gambling related harms        | – low to high disbenefits |
| • Harm minimisation             | – neutral                 |

The Statement concludes that the social and economic impact on the wellbeing of the community of the Rural City of Wangaratta and the local community within which the proposal is located will be neutral.

In the case of *Glenroy RSL Sub Branch Inc v Moreland CC (2017) VCAT 531*, whereby Members Code and Fong considered an application for an increase in gaming machines, the Members found that the additional machines proposed will have some social and economic effect, but neither were found to be significant. The findings of the independent review, whereby the social and economic impacts of the proposed development were assessed to be neutral. The question of gambling related harms was considerably less clear with a rating of low to high disbenefits.

### **Cause 65 Decision Guidelines**

The application is considered in keeping with both the State and Local Policy Frameworks, and the purposes and decision guidelines of the relevant zone, overlay and particular provisions. The reuse and redevelopment of the former hotel premises is considered to constitute the orderly planning of the area without causing any adverse amenity impacts. The interaction of the proposed

development with the surrounding public realm, including streetscape character, is considered appropriate.

The proposal will have negligible impact upon land degradation or native vegetation and is not considered to heighten the risk of flooding, erosion or fire. Subject to compliance with permit conditions, the proposal will facilitate improved traffic management and stormwater drainage outcomes.

The Decision Guidelines also require consideration of matters set out in Section 60 of the Act. The proposal is considered in keeping with these matters. Social and Economic Impacts associated with the installation of gaming machines have been detailed above.

### **Implications**

#### **Policy Considerations**

There are no additional Council policies or strategies that have not already been discussed in this report.

#### **Financial Implications**

This 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. It is also likely that significant time will be spent ensuring compliance with any permit issued. Recommended conditions are therefore aimed at limiting any ambiguity or subjectivity and placing greater onus on the applicant and the peak industry body to self-audit any permitted operation.

#### **Legal/Statutory**

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

#### **Cultural Heritage**

The applicant has engaged the services of a suitably qualified and recognised cultural heritage advisor to review the subject property. A report prepared by the heritage advisor concludes;

- *There are **no** places within or immediately adjacent to the activity area registered on the Aboriginal Cultural Heritage Register and Information System (ACHRIS).*
- ***No** surface archaeological component was found during the survey.*
- *The designated statutory area of cultural heritage sensitivity covers approximately 100% of the site which has been subject to Significant Disturbance as it is defined in r.4 of the Regulations.*

- *In my opinion, a CHMP is not warranted for the proposed activities, on this occasion.*

The cultural heritage advisor has provided that the cultural heritage review was prepared in consultation with the local Registered Aboriginal Party (RAP); however, despite the applicant advising that the RAP will provide verification of the findings the report, the RAP have since advised Council that they refuse to provide any formal comment direct to the applicant. Instead, the RAP have advised that they can provide comment directly to Council by way of a Section 52 referral response. As this advice has been provided very late in the application process it is not known whether Council will be in receipt of the required advice from the RAP, clarifying CHMP requirements for the proposal, before the scheduled Council meeting. Section 52 of the Aboriginal Heritage Act 2006 prevents Council from determining the subject application until CHMP requirements have been clarified and, if a CHMP is required, until the CHMP has been approved by the local RAP. A condition has been included to address this.

### **Social and Economic Impacts**

Clause 52.28 of the Planning Scheme requires Council to assess the social and economic impacts of the location of the gaming machines. In the context of this application the new location is considered acceptable.

Section 60 of the Act requires Council to consider any significant social and economic effects of the use and development. While both benefits and disbenefits of gaming machines have been identified, the overall social and economic effects of the proposed development are considered to be neutral.

Gambling is known to have profound impacts on a community and on the lives of many families and individuals. A recent study found that 0.7% of Victorians are problem gamblers. A further 2.4% are at high risk of problem gambling. EGMs are recognised as posing the greatest risks to existing and potential problem gamblers<sup>ii</sup>. Around 80% of presentations to counselling agencies relate to problems associated with EGMs.

For the 2015/2016 financial year, the Rural City of Wangaratta experienced the following gaming indicators:

- Compared with the country average, the Rural City of Wangaratta has the same density of EGMs per 1,000 adults, lower net average expenditure and expenditure per adult. It also has less adults per venue.
- Compared with the average for the Rural City of Wangaratta the Wangaratta RSL sub-branch (in their current location) had a lower expenditure, lower expenditure per EGM and fewer EGMs per venue.

Research has found that:

- Domestic violence is associated with EGM accessibility
- Areas with no EGMs have 20% fewer family incidents than those with 75 EGMs/10,000



- Areas with no EGMs have 30% fewer domestic violence assaults than those with 75 EGMs/10,000
- Regulators should consider the impacts on domestic violence when licencing EGMs.

Between 2015 and 2016, the Rural City of Wangaratta experienced an increase in the rate of family incidents of 26.1%. This was higher than the increase across the Eastern Region of Victoria and Victoria as a whole, which were 5.6% and 5.7% respectively.

The Socio Economic Indexes for Areas (SEIFA) score of Relative Socio-economic Disadvantage in the municipality is 981.1 which is above the average for regional Victoria of 977.7.

Recent figures for the 2016/17 years have indicated an increase of \$500,000.00 in lost in Wangaratta's existing 136 machines for a total of \$8.712 million for the year. These figures confirmed previous findings that larger and more prominent sites have a larger throughput of money with the municipality's largest venue the Pinsent Hotel recording a \$3.796 million whilst the existing RSL was third on the list with \$1.741 million.

The losses in Wangaratta by comparison dwarf other surrounding regions with Wodonga losing \$7.517 million, Benalla \$5.078 million, Alpine \$2.316 million and Mansfield \$1.619 million. The figures also indicate that losses are relatively consistent in the high \$600k plus to high \$700k plus across the calendar year between \$674,064 in January 2017 up to \$782,793 in September 2016.

### **Environmental/Sustainability Impacts**

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

### **Referrals/Public Notice**

#### **2013 – 2017 Council Plan (2015 Revision)**

This report supports the 2013-2017 Council Plan:

#### **Goal**

We are Sustainable

**We will create and deliver:**

tourism products and experiences that attract visitors.

**We will plan and make decisions for the future:**

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

that address traffic, parking and pedestrian issues.

## The non-negotiables

Our economy is diverse and strong – providing our residents with a range of employment and lifestyle opportunities.

All legislative and compliance requirements are met.

## 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
Notice of Decision to Grant a Permit	Med	Low	Low	Representation of Council at VCAT
Refuse to issue a Permit	Med	Low	Low	Representation of Council at VCAT

## Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Notify potentially affected parties of the application	Notice of Application sent to surrounding owners and occupants and an advertisement placed in the Wangaratta Chronicle
Consult	All submissions to the application will be considered.	All Submissions have been reviewed and summarised in this report along with a response to relevant planning considerations.
Involve	Opportunity to make submission.	Notice of Application sent to surrounding owners and occupants and advertisement placed in the Wangaratta Chronicle
Collaborate	N/A	N/A
Empower	N/A	N/A



Officers believe that appropriate notification in accordance with the Planning and Environment Act 1987 has occurred and the matter is now ready for Council consideration.

### **Options for Consideration**

1. Approve the application, through the issue of a Notice of Decision to Grant a Permit, subject to conditions of permit (refer to Attachment 1).

OR

2. Refuse the planning permit application. Grounds of refusal would need to be provided. This is not the recommended option.

### **Conclusion**

As detailed within this report, the overall proposal has been found to be an appropriate use of the subject site. Subject to compliance with permit conditions, the proposal is considered to satisfy the relevant provisions of the Wangaratta Planning Scheme by representing the occupation, improvement and sustained maintenance of a prominent site and heritage building adjoining an active intersection. The proposal will facilitate the expansion and relocation of a local organisation, further strengthening the commerce of Wangaratta. Whilst some of the negative social and economic effects associated with installation of gaming machines are considered to be sufficiently countered by the positive effects of the overall redevelopment the recent gambling statistics need to be considered.

The redevelopment of the site will provide benefits to the community and the operator in terms of another venue for food, drink and entertainment. The more prominent location and modern facilities will make it a desirable location which is considered to increase patronage and turnover. The concern is any increase in the number of electronic gaming machines on the community, as the recent figures not only show increased losses but also that the losses occur on consistent monthly basis, this supports the case that the losses are occurring for locals rather than visitors. For these reasons no increase in overall electronic gaming machines above the current 32 held by this operator and the 136 across the municipality is considered appropriate.

### **Attachments**

- 1 RSL Permit Conditions
- 2 PlnApp 17/032 - Proposed Plans
- 3 Gaming Machine Considerations – Section 60 and Clause 52.28

### **Questions**

**Andrew Kay: Is there an issue with approving our development application that includes 50 machines? Problem gambling is an issue for 0.7% of Victorian population do we have the right to preclude 99.3% of the community from in engaging in a legitimate legal activity?**

**Brendan McGrath, CEO:** In reference to the first question, that is about to be voted on. The second question around gaming, we have made some reference to the potential negative impacts of various forms of gambling to the social fabric of Wangaratta. We identified that it was important to develop a gambling policy so that Council has a position on how it will deal with future applications and various other related items to provide guidance. I think everyone understands that gambling does have an impact on some people and some families and not for the better. The question is how we strike a balance between allowing organisations like you, do the good work that you do and also try to provide some form of protection for people who may not be in the best position to be making some decisions about their own lives.

## 16.2 WANGARATTA UNLIMITED BOARD CHANGE OF NAME

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 22 August 2017  
**Author:** Economic Development Officer  
**File Name:** Economic Development  
**File No:** F16/884

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 formalise the change of name from Wangaratta Unlimited Board to the Economic Development and Tourism Advisory Committee.

#### **RECOMMENDATION:**

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

#### ***That Council:***

- 1. approves the name change of Wangaratta Unlimited Board (Advisory Committee) to the 'Economic Development and Tourism Advisory Committee' as per the motion passed at the Committee's meeting of 6 June 2017; and***
- 2. advises the committee accordingly of Council's decision***

**Carried**

### **Background**

The objective of Wangaratta Unlimited Board is to advise on the promotion, enhancement and generation of sustainable economic development and tourism within the Rural City of Wangaratta.

The Wangaratta Unlimited Board Charter sets out the following clauses that must be adhered too in regards to changes to the charter.

15.2 In addition to Council's regular reviews, the Council may carry out a review of the Charter at the written request of the Board.

15.4 All changes to the Charter shall be subject to the approval of the Council.

The name Wangaratta Unlimited is not considered to give a clear indication of what the committee actually considers and is therefore confusing. The committee wishes to give greater clarity to the scope of the committee both for the members and the community.

## **Implications**

### **Policy Considerations**

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

### **Financial/Economic Implications**

The objective of Wangaratta Unlimited Board is to advise on the promotion, enhancement and generation of sustainable economic development and tourism within the Rural City of Wangaratta.

### **Legal/Statutory**

There are no legal/statutory implications identified for the subject of this report.

### **Social**

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

### **Environmental/Sustainability Impacts**

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

## **Consultation/Communication**

Consultation at the Wangaratta Unlimited Board meetings has occurred, with a recommendation that was carried by a majority of Board members as noted in the minutes (*see attached*).

## **Options for Consideration**

Option 1 – Council does not acknowledge the Board's recommendation and continues to retain Wangaratta Unlimited Board name.

Option 2 – Council acknowledges the committee's recommendation and allows the Board to implement the name change to the Economic Development and Tourism Advisory Committee.

## **Conclusion**

The Wangaratta Unlimited Board believe that the work and advocacy undertaken by the group would be better reflected by the name 'Economic Development and Tourism Advisory Committee'. This would align their name with other Advisory Committees of Council including the Sport and Recreation Advisory Committee and the Agriculture and Agribusiness Advisory Committee.

## **Attachments**

1 Meeting Minutes - 6 June 2017

**17. SPECIAL COMMITTEE REPORTS**

Nil

## 18. ADVISORY COMMITTEE REPORTS

### 18.1 ADVISORY COMMITTEE REPORTS

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 22 August 2017  
**Author:** Executive Assistant Corporate Services and Councillors  
**File Name:** Committees and Groups - Advisory Committees  
**File No:** 004/01

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.

Cr Benton declared a conflict of interest in relation to the Agriculture and Agribusiness Advisory Committee as he is an employee of a livestock agent. He left the room at 7.18pm and returned at 7.19pm

#### Executive Summary

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

1. Agriculture and Agribusiness Advisory Committee
2. Sport and Recreation Advisory Committee
3. Audit Advisory Committee
4. Economic Development & Tourism Advisory Committee

#### **RECOMMENDATION:**

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

#### ***That Council;***

- 1. notes the minutes of these committees;***
- 2. notes the recommendation in the Agriculture and Agribusiness Advisory Committee item, 6.5 Wangaratta Abattoirs: The Agriculture and Agribusiness Advisory Committee would like to reinforce their support for the Draft Industrial Land Strategy, particularly in regards to the importance of the Wangaratta Abattoirs and its longevity in our municipality.***
- 3. notes the discussion in the Agriculture and Agribusiness Advisory Committee item, 6.2 Wangaratta Saleyards – Proposed Management Structure, contained within attachment 1.***

**Carried**

**Attachments**

- 1 Agriculture and Agribusiness Advisory Committee Meeting - Minutes 25 July 2017
- 2 Sports & Recreation Advisory Committee Meeting - Minutes 14 June 17
- 3 Audit Advisory Committee Meeting - Minutes 19 June 2017
- 4 Economic Development & Tourism Advisory Committee Meeting - Minutes 1 August 2017.

## 19. RECORDS OF ASSEMBLIES OF COUNCILLORS

### 19.1 ASSEMBLIES OF COUNCILLORS

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 22 August 2017  
**Author:** Executive Assistant Corporate Services and Councillors  
**File Name:** Governance - Registers - Assemblies of Councillors  
**File No:** S17/607

#### 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
9 August 2017	Sports and Recreation Advisory Committee	Attachment
8 August 2017	Youth Council	Attachment
1 August 2017	Economic Development and Tourism Advisory Committee	Attachment
20 July 2017	Agriculture and Agribusiness Advisory Committee Meeting	Attachment
13 July 2017	Wangaratta Saleyards Listening Post	Attachment
27 July 2017	Wangaratta Saleyards Listening Post	Attachment
7 August 2017	Briefing Forum	Attachment
17 July 2017	Briefing Forum	Attachment



<b>Date</b>	<b>Meeting details</b>	<b>Refer</b>
9 August 2017	Sports and Recreation Advisory Committee	Attachment
8 August 2017	Youth Council	Attachment
1 August 2017	Economic Development and Tourism Advisory Committee	Attachment
20 July 2017	Agriculture and Agribusiness Advisory Committee Meeting	Attachment
24 July	Briefing Forum	Attachment

**RECOMMENDATION:**

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

***That Council receives the reports of Assemblies of Councillors.***

**Carried**

**Attachments**

- 1 Youth Council - Assembly of Councillors 7 August 2017
- 2 Sport and recreation Advisory Committee - Assembly of Councillors- 9 Aug 2017
- 3 Economic Development & Tourism Advisory Committee - Assembly of Councillors 1 August 2017
- 4 Agriculture and Agribusiness Advisory Committee - Assembly of Councillors 20 July 2017
- 5 Sale Yards Listening Post - Assembly of Councillors 13 July 2017
- 6 Sale Yards Listening Post - Assembly of Councillors 27 July 2017
- 7 Councillor Briefing Forum - Assembly of Councillors - 7 August 2017
- 8 Councillor Briefing Forum Assembly of Councillors 24 July 2017
- 9 Councillor Briefing Forum Assembly of Councillors 17 July 2017

**20. NOTICES OF MOTION**

Nil

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

**Brian Fox - Wangaratta:** *Could we design a cone of silence to stop people going in and out? It is my view that we are in dire need of organisational change within the Council due to the failure of such items as Molonys Square and Aquatics strategy - would the Council consider hiring a person to guide you on organisational change?*

**Brendan McGrath, CEO:** In the last three and a half years since myself and the rest of the corporate management team have been involved we have undertaken a range of activities in our organisation to reform the business due to a whole range of circumstances and that work is ongoing. Some of the work we do ourselves and some of the work we use external people to assist with. It is something that happens incrementally over time. I think by-and-large our organisation performs well and does have the community's best interests at heart. Do we get it right every single time? No, but incrementally we will try and continue to improve how we do things.

**David Williams:** *Does Council have a policy and timeframe in regards to answering letters written to the council? And is four months an unacceptable time regarding Fishers Lane that I wrote to Cr Benton four months ago and have received no reply?*

**Brendan McGrath, CEO:** We certainly have standards around the time to respond we also have a complaints policy where people can get things rectified if things are not done in those time frames. We encourage people to contact Council directly with these matters so they can be put into our Customer Request system so we can track queries and who it has been referred to, but yes we do have agreed standards. The timeframe for a response is 10 days, which might not finalise the matter but should give you an update.

**Cr Harvey Benton:** I do vaguely recall the letter and do apologise for not getting back to you. I will catch up with you after the meeting and we can discuss the issue.

**Anne Dunstan - Tarrawingee:** *In relation to the future use of the Yarrunga pool site my concern is there was a great collection of data from community consultation but there has been a decision made costing \$83k to create an off leash dog park with no feedback to anyone on how that decision was come to.*

**Jaime Carroll, Director Community Wellbeing:** There was a number of responses and priorities to the community consultation. The hockey option is something we closely considered with the hockey clubs. The hockey club has different priorities in terms of Council's long term recreational priorities and locations for the upgrade and redevelopment of facilities so the site in Council's view, is not appropriate for the addition of hockey facilities. It would rule out those other priorities that you had outlined as an important addition to the site and to the precinct area for the community. The dog park is the first element to be developed and it will be done as part of a broader feasibility process in partnership with the community and the children's garden is something we will consider as part of the broader planning of the precinct area. The site has the capacity to fit a number of different elements on it and we want to make sure it ties in with the other sites of the precinct area such as the splash park and multi-use court elements as well.

**Anne Dunstan - Tarrawingee:** *My concern is that there has been such little information released about this, Our Lady's Primary School backs onto where you are proposing the dog park and our school has miniature goats along the fence line and the school has had no contact of how that will be managed. Having a school so close to the dog park concerns me.*

**Jaime Carroll, Director Community Wellbeing:** I'll take your feedback back to the team and further consultation is planned with those groups.

**Brian Smith – Greta Valley Free Range Pork:** *I was informed by a Senior Planner that we cannot put a tree line outside of our boundary as it was not in the best interest of VicRoads or the Council however our neighbours to the South side have trees almost to the bitumen and the same on the North. We are not allowed to plant trees yet are neighbours are, who gave them permission to do that?*

**Barry Green, Director Development Services:** The assumption is they had permission to plant the trees. The question on the Southern property is currently under investigation as we are not aware of any permission to plant those trees. For the North side, what you just conveyed to me, is the first time that I was aware of it and I will get one of our officers to investigate.

**Brian Smith – Greta Valley Free Range Pork:** *Two years ago we applied for a planning permit. I would question that the Planning Department's duty is to impose conditions and to appease the objectors and that is what has been happening for two and a half years. I would like to know what is the situation with the planning department as I think they have been running this totally wrong. We still haven't received our Environmental Management Plan back from Council and I asked where they got these conditions from and haven't heard anything back.*

**Brendan McGrath, CEO:** There is a few issues you have raised. Firstly it is unfair to level criticism at an officer in this forum. Numerous policies have to be considered as we have a mix of State Government and Local Council policy to comply with. We try to be fair, by providing balance to the applicant, the

objectors and the legislators. In some cases we were slow to respond but others we were waiting on information, and needed things to be at a standard that we could assess things. We agreed to review the plan and to give it back to your solicitor. Planning permits do need to be done to our satisfaction.

**Barry Green, Director Development Services:** The outcome of our recent meeting what that I was to review the Environmental Management Plan which I have done and your representative has been provided some responses back to Councillor solicitors who were involved in the VCAT matter and we have drafted two letters. Both of those letters will be sent this week.

**Richard Smith - Peechelba:** *Is there a reason why with some Councillors that there seems to be obsession with this new pool to be built? Rather than spend millions on this new pool what's wrong with the pool on Swan street? Can that be utilised in a better way?*

**Alan Clarke, Director Infrastructure:** The Swan street pool was built 1956, and it is well past its useful life. It has had significant issues with stability of change rooms, the pool is too shallow, too long and too narrow. The Swim club cannot hold any meets there therefore it cannot bring in revenue. For example the short course event brought a lot of money into town, but we can't hold the long course event. To get the facilities up to standard it would cost \$6 million yet it still would not be competitive quality. For state events we need a warm up pool. If we move it to the WISAC it would do this and bring in revenue.

**Richard Smith - Peechelba:** *Do we know why we have been unsuccessful in gaining the grants?*

**Alan Clarke, Director Infrastructure:** Only 18% of grants were successful this year. We are competing for grants from Councils across the nation.

**Richard Smith - Peechelba:** *If they can get \$4m for projects why can't we get money for drainage or roads out here?*

**Alan Clarke, Director Infrastructure:** We have a priority list and we were able to advance the re-sheeting of Frost Rd and hopefully we will be able to bring forward some further projects. We have to provide facilities for all people in Wangaratta. We are looking at other projects, advocating to Vic Roads and we have responded to your actions.

**Cr Mark Currie:** How much money did we put towards to roads and maintenance this year?

**Alan Clarke, Director Infrastructure:** \$17 million for roads and drainage.

**Cr Mark Currie:** To put it into context we are talking about spending \$4 million over the next twenty years. We are investing a lot into our roads. We need to invest money into the future. We have a pool that is at the end of its life, we can spend a couple of million and extend it for a couple of years. But do we want to stay where we are at or having a bigger vision of where we want to take Wangaratta to, and the community.

**Terry Wagstaff:** *Does the council have quality control when you do resheeting? They don't seem to fill the holes properly or get the bumps out. All the resheeting in Shanley street is coming off and Warby street isn't thick enough, not even 10mm, should be 25mm.*

**Alan Clarke, Director Infrastructure:** 'Resheeting' is in regards to gravel roads, 'resealing' is for sealed roads. A spray seal is where a coat of bitumen is applied. We use three different sizes of aggregate: 10mm, 8mm and 16 mm. And each time its resealed you use a different size of stone. The other type of seal, is hot mix or asphalt . This is used for where cars are turning, such as roundabouts. 98% of our roads are spray seal. The bumps and holes is something I would need to discuss with you further.

## **23. CONFIDENTIAL BUSINESS**

Nil.

## **24. CLOSURE OF MEETING**

The Meeting closed at 7.53pm.

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<sup>i</sup> Australian Government Productivity Commission (2010) *Productivity Community Inquiry Report, Gambling* p5.22

<sup>ii</sup> Australian Government Productivity Commission (2010) *Productivity Community Inquiry Report, Gambling* p5.22