

Minutes

Of the Ordinary Council Meeting

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

Date: 25 February 2020

Time: 6pm

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1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

We acknowledge the Bangerang people as 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.

Mayor, Dean Rees introduced Peter Roper, Mayor of Alpine, please follow link to [25 February 2020 Council Meeting Video](#) and refer to minute refer to minutes 14:15 to 21:00.

Mayor Peter Roper, Alpine Shire Council thanked the Rural City of Wangaratta for accommodating the residents in the Alpine region when evacuated during the bushfire event throughout January.

Mayor Roper thanked all volunteers, the Australian Defence Force, the Red Cross, Department of Human Health Service, Wangaratta Lions Club, Wangaratta Rotary Club, the Kennel Club, the Rapid Response Team, The Victorian Council of Churches and St Johns Ambulance for their efforts.

Mayor Roper presented a letter of thanks to Mayor Dean Rees and announced that Alpine Shire would donate five \$100 vouchers to the Rural City of Wangaratta.

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:

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

OFFICERS:

BRENDAN MCGRATH, CHIEF EXECUTIVE OFFICER ALAN CLARK, DIRECTOR INFRASTRUCTURE SERVICES JAIME CHUBB, DIRECTOR COMMUNITY WELLBEING SARAH BRINDLEY, DIRECTOR CORPORATE SERVICES STEPHEN SWART, DIRECTOR DEVELOPMENT SERVICES.

4. **ABSENT**

Nil.

5. ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE

RESOLUTION:

(Moved: Councillor K Clarke OAM/Councillor D Fuller)

That Mayor Dean Rees be granted leave of absence for the period Monday 15 June 2020 to Sunday 2 August 2020.

Carried

ORDER OF BUSINESS

6. CITIZEN CEREMONY

Nil.

7. CONFIRMATION OF MINUTES

RESOLUTION:

(Moved: Councillor A Fitzpatrick/Councillor H Benton)

That Council read and confirm the Minutes of the Ordinary Meeting of 10 December 2019 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.

Councillor Ken Clarke declared a conflict of interest in relation to item 15.2 C23859 – Ovens and Faithful Streets Intersection Improvements as he is a board member of the RSL will be directly affected by these works.

Councillor Dave Fuller declared a conflict in relation to item 15.2 C23859 – Ovens and Faithful Streets Intersection Improvements as his workplace is within proximity of the proposed works.

9. RECEPTION OF PETITIONS

Nil.

10. HEARING OF DEPUTATIONS

Nil.

PRESENTATION OF REPORTS

11. COUNCILLOR REPORTS

Mayors Report

Please follow link [25 February 2020 Council Meeting Video](#) and refer to minutes 24:20 TO 26:50 for the Mayors report.

OFFICERS' REPORTS

12. EXECUTIVE SERVICES

Nil.

13. CORPORATE SERVICES

13.1 QUARTERLY FINANCE REPORT

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 February 2020
Author: Manager Finance
File No: IC19/1170

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

Executive Summary

This report is presented to Council to provide a quarterly progress report on its financial performance for the period ending 31 December 2019 for the 2019/20 financial year.

RESOLUTION:

(Moved: Councillor K Clarke OAM/Councillor H Benton)

That Council:

- 1. Notes the Quarterly Finance Report for the period ending 31 December 2019.***
- 2. Notes the Councillor Expense reporting for the period ending 31 December 2019 and that this information is available on Council's website.***

Carried

Background

The Quarterly Finance Report is a statutory requirement under the Local Government Act 1989. Council has completed its second quarter financial reporting process to manage and monitor its financial position against the annual budget.

Implications

Policy Considerations

The Councillor Support Policy 2016, Part 5 - Councillor Expense Reporting requires a report on a quarterly basis of individual Councillor support expenses to be presented to Council. The policy states:

68 Quarterly Reporting

(1) In the interests of accountability and transparency, all expenses or costs paid by Council on behalf of Councillors or reimbursed to Councillors will be publicly reported to Council on a quarterly basis. This will include quarterly and annual cumulative details of individual support expenses for items including—

- (a) Travel;*
- (b) Child Care/Family Care;*
- (c) Conferences, Seminars, Training;*
- (d) Individual Memberships;*
- (e) Mobile Phone and Tablet (including replacement costs – unless faulty);*
- (f) Events; and*
- (g) Photocopying.*

(2) This information will also be made available on Council's website for the current term of office.

Councillor Support expenses for October – December 2019 (Quarter 2), are included as attachment 1 to this report.

Financial/Economic Implications

The Annual Budget projected a surplus of \$3.678 million.

It is Council's practice to undertake a budget reassessment midway through each financial year. To this end, a comprehensive review of Council's 2019/20 financial position was undertaken in December having regard to the following matters:

- The requirement under the *Local Government Act 1989* to establish and maintain a budgeting and reporting framework that is consistent with the principles of sound financial management.
- Council's audited financial position as at 30 June 2019.
- Projects and works carried forward from the 2018/19 year.
- Income received in 2018/19 in relation to the 2019/20 year.
- Outcomes of funding applications.
- Works undertaken in response to opportunities.
- Known adjustments to income and expenditure.

In December 2019 Council considered the 2019/20 Mid Year Budget Review and adopted the 2019/20 Budget Review as its budget reporting framework for the remainder of the 2019/20 financial year.

The Revised Annual Budget now projects a surplus of \$3.347 million.

Quarter 2 Year to Date Summary

| | 19/20 Adopted Budget \$'000 | 19/20 Revised Budget \$'000 | 19/20 YTD Actual \$'000 | 19/20 YTD Revised Budget \$'000 | YTD Variance \$'000 | YTD Variance % |
|---|--------------------------------------|--------------------------------------|-------------------------------|--|---------------------------|----------------------|
| Income | 67,470 | 71,605 | 49,888 | 48,197 | 1,691 | 4% |
| Expenses | 63,793 | 68,258 | 29,582 | 31,479 | 1,897 | 6% |
| Surplus / (deficit) for the year | 3,677 | 3,347 | 20,306 | 16,719 | 3,588 | 21% |
| Capital Works Expenditure | 39,690 | 43,253 | 13,113 | 16,869 | 4,404 | 22% |

Operating Result

Council's performance is overall better than expected for the 6 months ended 31 December 2019.

When compared to Council's 2019/20 Budget, Council's income results are within 4% of budget and expenditure results are within 6% of budget.

The major variances are:

Income

1. User fees income is tracking to revised budget.
2. Capital grant income is tracking above budget mainly due to receipt of \$520k for WISAC and \$870k for Roads to Recovery.
3. Reimbursement are over budget because we received \$660k in November and December for 2016 and 2018 Stormwater and Floods claims.

Expenses favourable movements

1. Materials and services expenditure is underspent across all parts of the organisation.
2. Depreciation and amortisation is underspent by \$1.867 million due to some road seals fully depreciated and transfer of new completed assets from work-in-progress still to be done.

Capital Works

The 2019/20 capital works budget is \$43.253 million, including additional carry over capital works adopted at the September 2019 Ordinary Council Meeting. At 31 December 2019 Council has delivered \$13.113 million, which represents approximately 30% of the annual budget amount.

Councillor Expenses

The figures for the quarter ended are understated as most claims were submitted in February and will be reflected in the March quarter report.

Legal/Statutory

This report has been prepared in accordance with the Local Government Act, Australian Accounting Standards, Council Plan 2017 – 2021, Annual Budget 2019/20 and the 2019/20 Capital Works Program.

Specifically, in accordance with the Local Government Act, Section 138 requires the Chief Executive Officer, at least every three months, to prepare a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date and to present this report to Council.

Social

Council plans for and delivers a number of projects contained in the 2019/20 budget that provides a positive social impact for the community.

Environmental/Sustainability Impacts

Council plans for and delivers a number of projects contained in the 2019/20 budget that supports its Environmental Sustainability Strategy.

2017 – 2021 Council Plan (2019 Revision)

This report supports the 2017-2021 Council Plan:

Goal

We are Sustainable

What we do everyday:

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

Risk Management

| Risks | Likelihood | Consequence | Rating | Mitigation Action |
|---------------------------------|------------|-------------|--------|--|
| Poor performance against budget | M | M | M | Regular monitoring and reporting of budget position. |

Consultation/Communication

Consultation has been undertaken with Council managers and the Corporate Management Team and the matter is now ready for Council consideration.

Options for Consideration



The Chief Executive Officer is required to, at least every three months, prepare a statement comparing the budgeted revenue and expenditure for the financial year

with the actual revenue and expenditure to date and to present this report to Council.

Conclusion

A thorough revision of projected income and expenditure for the 2019/20 financial year has been undertaken.

Attachments

- 1 December 2019 Financial Report 
- 2 December 2019 Balance Sheet 

13.2 QUARTERLY COUNCIL PLAN MEASURES REPORT

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 February 2020
Author: Governance & Reporting Advisor
File Name: 2018-2019 - Council Plan Reporting
File No: IC20/75

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

Executive Summary

This report is presented to Council to communicate Council's performance against the measures detailed in the Council Plan 2017-2021 (2019 Revision) for Quarter 2 of the 2019/20 financial year.

RESOLUTION:

(Moved: Councillor H Bussell/Councillor A Fitzpatrick)

That Council receives the Council Plan 'What You Will See in the Council Plan Measures Report 2019/2020' and the 'Council Plan Measures Report' for Quarter 2 of the 2019/2020 financial year.

Carried

Background

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

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

Implications

Two reports are provided.

The first being the Council Plan 'What You Will See in 2019/2020' which provides information on the Quarter 2 progress of projects or initiatives to be delivered in the 2019/20 financial year.

Of the projects or initiatives identified by Council to be completed during 2019/20 and listed within 2017-2021 Council Plan (2019 Revision) under 'What You Will See in 2019/2020', 43 remained in progress at the commencement of Quarter 2. The following has since been achieved:

- Four (4) project/initiative has been Completed;
- Three (3) projects/initiatives Nearing Completion;
- Thirteen (16) projects/initiatives On-going with one (1) (*North and South Wangaratta Reserve Lighting Upgrade*) Off Track;
- Fifteen (15) projects/initiatives are Underway with one (1) (*Gun Club Rehabilitation*) Off Track;
- Four (4) projects/initiatives have Started with two (2) (*Tourism Marketing Campaign, Venue Management Software to streamline booking systems – Implementation*); and
- One (1) project/initiative which has Not Started (*Comprehensive service planning framework*) and which will no longer be proceeding.

The second report being provided is the Council Plan Measures which provides the Quarter 2 results for measures that were set in the Council Plan.

Of the 22 quarterly measures set in the 2017-2021 Council Plan (2019 Revision) Council has achieved the following results for Quarter 2:

- Fifteen (15) measures achieved green indicators meaning that performance was within 5% of target;
- Five (5) measures achieved yellow indicators meaning that that performance was within 10% of target; and
- Two (2) measures achieved red indicators meaning that performance was more than 10% outside of target.

There were several notable performances where measures have exceeded the Quarter 2 targets and these measures include but are not limited to;

- Number of ticket sales for Wangaratta Performance Arts and Convention Centre (WPACC);
- Average number of days to close a customer request;
- Percentage of customer requests overdue by more than 60 days; and
- Cost of Maternal and Child Health Service per hour of service delivered.

Policy Considerations

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

Financial/Economic Implications

There is no immediate financial impact related to this report.

Legal/Statutory

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

Social

The Council Plan 2017-2021 (2019 Revision) provides for the achievement of several social objectives.

Environmental/Sustainability Impacts

The Council Plan 2017-2021 (2019 Revision) provides for the achievement of several Environmental/Sustainability objectives.

Council Plan 2017-2021 (2019 Revision)

This report supports the Council Plan 2017-2021 (2019 Revision):

WE ARE SUSTAINABLE

The Non-Negotiables

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

We will Plan, Research & Advocate for the Future

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

WE ARE INSPIRED

The Non-Negotiables

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

What we do everyday

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



Risk Management

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

Conclusion

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

Attachments

- 1 'What You Will See in 2019/2020' - Quarter 2 Report 
- 2 Council Plan Measures - Quarter 2 Report 

13.3 AUDIT ADVISORY COMMITTEE MEMBER APPOINTMENT

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 February 2020
Author: Governance & Reporting Advisor
File Name: Audit Advisory Committee
File No: IC20/88

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 re-appoint External Independent Member, Ms Rowan O'Hagan, to Wangaratta Rural City Council's Audit Advisory Committee.

RESOLUTION:

(Moved: Councillor K Clarke OAM/Councillor M Currie)

That Council appoints Ms Rowan O'Hagan as an External Independent Member to Wangaratta Rural City Council's Audit Advisory Committee, for term of three years, expiring in February 2023.

Carried

Background

The Audit Advisory Committee (AAC) Charter states that the primary objective of the AAC is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

The Committee comprises of a minimum of five members - two Councillors and three external, independent persons.

Appointments of external independent members shall be made by Council by way of a public advertisement, except for where Part 1, Clause 5.3 of the Audit Advisory Committee Charter 2019 (Charter) applies which states:

'(3) A sitting member can reapply via an expression of interest, without the need for public advertisement, and be appointed for a subsequent term, up to a maximum of two consecutive terms. All reappointments following each external independent member's second term must be publicly advertised.'

A vacancy exists due to the end of Ms Rowan O'Hagan's external independent member three-year term. However, this is Ms O'Hagan's first term and as per

clause 5.3 of the Charter, Ms O’Hagan reapplied via an expression of interest to be re-appointed for a subsequent term. Hence, no public advertisement or expression of interest process was undertaken for this vacancy.

The attributes of an effective Committee member as detailed in the Charter include:

- Shows good judgement and is balanced in their consideration of issues and takes a whole of entity perspective;
- Knows the business of the entity; understands the role of the Committee and the expectations of Council; takes the time to understand changes that affect how the entity operates and its risks;
- Brings knowledge and expertise to bear in committee deliberations;
- Displays a constructive and positive attitude in dealings with other committee members, committee advisors and observers;
- Is a good communicator, builds effective networks and relationships while maintaining necessary confidences;
- Devotes sufficient time to committee business; and
- Displays independence of mind on committee deliberations and asks the ‘hard’ questions when necessary.

Implications

Policy Considerations

Audit Advisory Committee Charter 2019 sets out the terms for appointment of external independent persons.

Financial/Economic Implications

Advisory Committees provide a positive outcome for the sustainability of the local community.

Legal/Statutory

The appointment of Advisory Committees is provided for in the *Local Government Act 1989*.

Social

Advisory Committees provide the opportunity for two-way engagement between Council and Community members.

Environmental/Sustainability Impacts

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

2017 - 2021 Council Plan (2019 Revision)

This report supports the 2017 - 2021 Council Plan (2019 Revision):

Pillar

We are Sustainable

The Non-Negotiables

Our legislative, governance and compliance requirements will be met

Risk Management

| Risks | Likelihood | Consequence | Rating | Mitigation Action |
|--|------------|-------------|--------|-------------------------|
| The Audit Advisory Committee does not achieve its objectives | Possible | Minor | Medium | Re-advertise membership |

Options for Consideration

1. Council reviews Ms Rowan O'Hagan's Expression of Interest and appoints her, for the term specified, to fill the current external independent member vacancy on the Wangaratta Rural City Council's Audit Advisory Committee.
2. Council does not re-appoint Ms Rowan O'Hagan as an external independent member to Wangaratta Rural City Council's Audit Advisory Committee from the Expression of Interest received. This option will require a public expression of interest to be undertaken for this vacancy.

Conclusion

Following consideration of Ms Rowan O'Hagan's Expression of Interest to be re-appointed to Council's Audit Advisory Committee, filling the external independent member vacancy will assist the Committee in continuing to provide Council with advice, feedback and guidance.

Attachments

- 1 Expression of Interest - Audit Advisory Committee - Confidential

13.4 RISK MANAGEMENT POLICY

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 February 2020
Author: Governance & Reporting Advisor
File Name: NA
File No: IC20/322

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 approve revisions to the Risk Management Policy 2014 (Policy).

This Policy outlines Wangaratta Rural City Council's (Council's) commitment to effective risk management.

RESOLUTION:

(Moved: Councillor H Benton/Councillor D Fuller)

That Council:

- 1. *Endorses the Risk Management Policy 2020 revision for public exhibition***
- 2. *Invites public submissions regarding the Policy in accordance with Council's "Major Council Policy Consultation Local Law No.4 of 2015" (the Local Law) until close of business on Friday 27 March 2020***

And,

- 3. *If submissions are received:***
 - a. Convenes a Special Council Meeting to hear from any person or persons who request to be heard in support of their written submission***
 - b. Receives a report on any submissions and any hearings held and resolves the revised Risk Management Policy at the next available Ordinary Council Meeting***
- 4. *If no submissions requesting amendments are received: resolves to approve the Risk Management Policy 2020 revision without further resolution.***

Carried

Please follow link [25 February 2020 Council Meeting Video](#) and refer to minutes 30:50 to 31:11 for public questions and responses related to Item 13.4 Risk Management Policy.

Background

Effective risk management is important to Council because by having robust risk management practices it enables the Council to maximise opportunity, minimise loss and improve decisions and outcomes

The *Local Government Act 1989* (the Act) requires Council to maintain adequate internal control systems and an effective risk management framework is a critical element of such systems.

This review was undertaken to ensure that the Policy continues to reflect the risk management approach and practices used by organisation. Additionally, the following reference materials were considered to ensure Council's risk management practices are aligned to best practice and address the key elements to ensure effective risk management.

- Australian/New Zealand Standards AS/NZS ISO 31000:2009 Risk Management - Principles and Guidelines;
- Local Government Act 1989 (Vic);
- Relevant legislations; and
- Other related good practice guides.

Summary of Revisions

The main revision made to the Policy was to streamline it to provide a more strategic overview of Council's risk management approach.

A supporting Risk Management Framework has been developed details Council's operational risk management practices.

Implications

Policy Considerations

Whilst undertaking revisions to this Policy, the Fraud and Corruption Policy was considered to ensure consistency in approaches and fraud risk tolerances across both policies.

Financial/Economic Implications

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

Legal/Statutory

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

Social

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

Environmental/Sustainability Impacts

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

2017 - 2021 Council Plan (2019 Revision)

This report supports the 2017-2021 Council Plan (2019 Revision):

PILLAR

We are Sustainable

Our Non-Negotiables

Our legislative, governance and compliance requirements will be met

Risk Management

| Risks | Likelihood | Consequence | Rating | Mitigation Action |
|--|-------------------|--------------------|---------------|---|
| The Risk Management Policy is not representative or does not support organisational risk processes | Possible | Minor | Medium (5) | On-going review of the Risk Management Policy to ensure it remains relevant and reflect Council's current approach to risk management |

Consultation/Communication

| Level of public participation | Promises to the public/stakeholders | Tools/Techniques |
|--------------------------------------|--|--|
| Consult | The public will be invited to comment on the Policy via the public exhibition process. | Comments received through the public exhibition process will be reviewed and addresses accordingly (e.g. via hearings) |

Options for Consideration

1. Council may endorse the Policy for public consultation; or
2. Council may wish to further revise the Policy prior to public consultation.

Conclusion

It is recommended that Council approves the revisions made to the Policy and endorses the Policy being placed on public exhibition.

Attachments

- 1 Draft - Risk Management Policy 2020 
- 2 Risk Management Policy - Community Impact Statement 

14. COMMUNITY WELLBEING

14.1 YOUTH COUNCIL 2020 ENDORSEMENT

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 February 2020
Author: Youth Development Officer
File No: IC20/279

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 endorsement of nominations recently invited for membership of the 2020 Youth Council. Nominations were sought from:

- local secondary schools;
- alternative education institutions; and
- local youth service providers.

In total there were fifteen nominations received.

RESOLUTION:

(Moved: Councillor A Fitzpatrick/Councillor D Fuller)

That Council appoint the following individuals to represent their peers in the 2019 Rural City of Wangaratta Youth Council:

| | |
|---------------------------------|--|
| Macy Nichol | Wangaratta High School |
| Cristina Coxhell | Cathedral College |
| Stephanie Grant | Wangaratta High School |
| Jennifer Taylor | Galen Catholic College |
| Toby Miliankos-King (returning) | Wangaratta High School |
| Jacques Simian | Galen Catholic College |
| Chloe Royal | Cathedral College |
| Izabelle Taylor | Borinya Wangaratta Community Partnership |
| Kyan Ambrosio | Cathedral College |
| Yasmina Miliankos-King | Cathedral College Wangaratta |
| Brooke Watson | Cathedral College |
| Mackenzie Nash-Webster | Rutherglen High School |
| Chiara Lestino | Galen Catholic College |
| Mia Marshall | Cathedral College |
| Tiah Bonacci | Cathedral College |

Carried

Please follow link [25 February 2020 Council Meeting Video](#) and refer to minutes 33:22 to 33:58 for Councillor Speeches related to Item 14.1 Youth Council 2020 Endorsement.

Background

The Rural City of Wangaratta's Youth Council provides a voice for young people to engage with Council and the community. Many activities and events undertaken by Youth Council connect young people who otherwise may not have the opportunity to do so.

Consultation has occurred with educational institutions and youth service providers. All nominees were required to submit a nomination form and attend an interview. At each interview, the candidate was asked a series of set questions to determine their suitability.

Nominations for Youth Council were advertised through:

- Wangaratta Chronicle;
- Social media platforms;
- Rural City of Wangaratta website, and
- Existing school networks and newsletters.

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

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

Social

The Youth Council provides a voice for young people to engage with Council and the community. Many activities and events undertaken by Youth Council connect with young people who otherwise may not have the opportunity to do so.

Environmental/Sustainability Impacts

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

2017 – 2021 Council Plan (2019 Revision)

This report supports the 2017-2021 Council Plan:

Pillar

We are inspired

Our non-negotiables

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

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

What we do every day:

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

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

Work with young people to further develop activities for youth.

b) Other strategic links

2.2.2 Provide free and accessible programs that enable men, women, young people and children of all abilities to enjoy and participate in cultural activities.

c) Rural City of Wangaratta Youth Charter

Participation: Council will inform, consult and involve regularly with local young people to ensure that their ideas and concerns are considered when planning across all relevant areas of Council

Risk Management

| Risks | Likelihood | Consequence | Rating | Mitigation Action |
|--------------------------------------|------------|-------------|--------|--|
| Limited Youth involvement in Council | likely | minor | medium | Maintain Youth Council program and commitment to youth engagement. Encourage Youth Council participation |

Consultation/Communication

| Level of public participation | Promises to the public/stakeholders | Tools/Techniques |
|-------------------------------|-------------------------------------|---------------------------|
| Inform | Youth Council nominees | Correspondence |
| Consult | Youth Council Providers | Correspondence & meetings |
| Involve | Councillors, Operational staff | Correspondence, meetings |
| Collaborate | | |
| Empower | | |

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

Conclusion

The Rural City of Wangaratta's Youth Council is an Advisory Committee of Council, established to provide a voice for young people to engage with Council and the community.

Through the Youth Council program, young people are given opportunities to:

- represent their peers;
- become involved in community activities;
- gain a wider understanding of community issues;
- advocate for youth projects and programs; and
- enhance their leadership skills.

The nomination process for Youth Council has followed procedures outlined in Section 5 of the Youth Council Charter and has been presented to both Council's Corporate Management Team and at a Councillor Briefing Forum for consideration prior to endorsement.

The nominees incorporate representatives from all secondary education institutions from the Rural City of Wangaratta, both new and returning participants, and a varied range of interests and personal experiences.

The proposed recommendation is presented to Council for its consideration.

Attachments

Nil.

15. INFRASTRUCTURE SERVICES

15.1 C24051 - CUSACK STREET AND SPEARING STREET DRAINAGE UPGRADE

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 February 2020
Author: Project Officer
File No: IC20/4

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 award contract C24051 Cusack Street and Spearing Street Drainage Upgrade and approve allocation of additional funds.

RESOLUTION:

(Moved: Councillor H Benton/Councillor H Bussell)

That Council:

- 1. Approve the allocation of an additional \$123,577.00 excl GST to C24051 Cusack Street and Spearing Street Drainage Upgrade,***
- 2. Award the contract C24051 Cusack Street and Spearing Street Drainage Upgrade to Bordignon Excavations Pty Ltd,***
- 3. Authorises the Chief Executive Officer to sign and seal documents for C24051 Cusack Street and Spearing Street Drainage Upgrade, and***
- 4. Disclose the contract price for C24051 Cusack Street and Spearing Street Drainage Upgrade.***

The contract price for C24051 Cusack Street and Spearing Street Drainage Upgrade is \$873,599.00 (GST exclusive).

Carried

Please follow link [25 February 2020 Council Meeting Video](#) and refer to minutes 36:15 to 37:05 for public questions and responses related to Item 15.1 C24051 – Cusack Street and Spearing Street Drainage Upgrade.

Background

Cusack & Spearing Streets are subject to flooding during rain events creating hazards for vehicles and pedestrians. This project will remove these issues and formalise sections of informal car parking.

Tenders were advertised through Eprocure and the Wangaratta Chronicle.

The Tender was evaluated against the following criteria:

Cost 40%
Capacity 30%
Capability 30%

The tender evaluation team included two Project Manager's and Council's Delivery and Contracts Coordinator.

Tenders closed on 15 January 2020 and seven (7) submissions were received as follows:

Jarvis Delahey Contractors Pty. Ltd.
Rostem Pty Ltd
Landmark Contracting Pty. Ltd.
North East Civil Construction Pty Ltd
Excell Gray Bruni
Hills Civil Contracting
Bordignon Excavations Pty Ltd

Following the tender evaluation there is a funding shortfall of \$123,577.00 excl GST.

Implications

Policy Considerations

Specific Council policies or strategies that relate to this report include:

- Council Procurement Policy
- Asset Management Policy
- Drainage Asset Management Plan

Financial/Economic Implications

The additional funds will be reallocated from under spend in other capital projects.

Additional funds required for Cusack and Spearing Street drainage arose from a change in the drainage design. A large diameter gas main, water services and multiple optic fibre crossing, at various depths, required a change from pipe to box culverts.

This has increased the tendered price through change in materials, construction methods and service relocations.

Legal/Statutory

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

Social

The upgrade of the stormwater system and car parking in the area will benefit local residents in the Hospital precinct by reducing flooding and increasing formalised parking bays.

Environmental/Sustainability Impacts

The Natural Resource Management and Sustainability Officer has inspected the area of the drainage network from One Mile Creek to Spearing Street.

All works will be monitored during construction to minimise impact within the tree protection zones.

2017 – 2021 Council Plan (2019 Revision)

This report supports the 2017-2021 Council Plan:

Goal

We will plan, research and advocate for the future:

To develop options for overcoming drainage deficiencies within rural and urban areas.

What we do every day:

We look after and invest in our assets including bridges, major culverts, and drains.

We will focus on our business:

By enhancing the way we plan and deliver infrastructure projects.

Our non-negotiables:

Our infrastructure is developed and maintained based on what we understand is important to the people who live, work and visit here.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

A Healthy Environment - A combination of pollution prevention, water capture and treatment measures have improved the quality of stormwater and made it a valuable water resource.

This has been achieved by including a Gross Pollution Trap within the design to ensure environmental expectations from the community are met.

b) Other strategic links

- Wangaratta Health Precinct Structure Plan
- Wangaratta Car Parking Plan

Risk Management

| Risks | Likelihood | Consequence | Rating | Mitigation Action |
|--|------------|--------------|--------|---|
| Timeframe and achieving the proposed timelines | Minor (2) | Moderate (3) | 5 | Project Manager to monitor |
| Unsatisfactory quality of works | Minor (2) | Moderate (3) | 4 | Project Manager to monitor |
| Contractor Injury | Minor (2) | Major (4) | 4 | Project Manager to monitor contractors OH&S performance |
| Community concerns | Minor (2) | Moderate (3) | 5 | Project Manager to monitor |

Consultation/Communication

| Level of public participation | Promises to the public/stakeholders | Tools/Techniques |
|-------------------------------|--|--|
| Inform | Ongoing communication with user groups and residents through the life of the project | Website, Newsletter, meetings, phone calls & Chronicle |
| Consult | North East Health/ Ambulance Victoria | On Site Meetings |
| Collaborate | Preferred Contractor | Pre-Start and On-site inspections. |

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

Conclusion

Recommend that contract C24051 Cusack Street and Spearing Street Drainage Upgrade is awarded to Bordignon Excavations Pty Ltd.

Allocate additional funding of \$123,577.00 excl GST to C24051 Cusack Street and Spearing Street Drainage Upgrade, from savings in the 2019/20 Capital Works program.

Attachments

- 1 C24051 - Cusack St - Spearing St Drainage Upgrade - Evaluation Report - Confidential

15.2 C23859 - OVENS AND FAITHFULL STREETS INTERSECTION IMPROVEMENTS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 February 2020
Author: Project Officer
File No: IC20/10

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.

Mr Ken Clarke OAM left the Chamber at 06:26 pm having previously declared a conflict of interest.

Mr David Fuller left the Chamber at 06:26 pm having previously declared a conflict of interest.

Executive Summary

This report is presented to Council to award contract C23859 Ovens and Faithfull Streets Intersection Improvements.

The project will improve the configuration of the existing roundabout through pulling back the existing kerb lines, installation of pedestrian crossings and improved street lighting to enhance vehicle and pedestrian safety.

RESOLUTION:

(Moved: Councillor A Fitzpatrick/Councillor H Benton)

That Council:

- 1. Award contract C23859 Ovens and Faithfull Street's Improvements to Jarvis Delahey Contractors Pty;***
- 2. Authorises the Chief Executive Officer to sign and seal documents for C23859 Ovens and Faithfull Street's Intersection Improvements; and***
- 3. Discloses the contract price for C23859 Ovens and Faithfull Streets Intersection Improvements.***

The contract price is \$522,006.16 (GST exclusive).

Carried

Please follow link [25 February 2020 Council Meeting Video](#) and refer to minutes 38:48 to 44:30 for public questions and responses related to Item 15.2 C23859 Ovens and Faithfull Streets Intersection Improvements.

Councillor David Fuller and Councillor Ken Clarke returned to the Chamber at 06:34 pm.

Background

The existing intersection at Ovens and Faithfull Streets is a significant safety concern for all road users and pedestrians. This project will improve vehicle circulation, reduce vehicle speed and provide a safer intersection for all users. It will also complement the recently completed Ovens Street redevelopment works.

Tenders were advertised through eProcure and the Wangaratta Chronicle. Tenders closed on 13 December 2019 and two submissions were received.

The Tenders were evaluated against the following criteria:

| | |
|------------|-----|
| Cost | 40% |
| Capacity | 30% |
| Capability | 30% |

The tender evaluation team included two Project Managers and Council's Delivery and Contracts Coordinator.

At the close of tender, tenders were received from the following companies:

Excell Gray Bruni Pty Ltd
Jarvis Delahey Contractors Pty Ltd

Implications

Policy Considerations

These works are supported by The Wangaratta Project – A Masterplan for the City.

Financial/Economic Implications

Funding for the C23859 Ovens and Faithfull Streets Intersection Improvements are included in Council's 2019/20 budget.

Legal/Statutory

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

Social

Works at the intersection will provide increased safety for all road users and pedestrians.

Environmental/Sustainability Impacts

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

2017 – 2021 Council Plan (2019 Revision)

This report supports the 2017-2021 Council Plan:

Goal

We are established

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

N/A

b) Other strategic links

The Wangaratta Project - CBD Masterplan 2016.

Risk Management

| Risks | Likelihood | Consequence | Rating | Mitigation Action |
|--|------------|--------------|--------|--|
| Timeframe and achieving the proposed timelines | Minor (2) | Moderate (3) | 5 | Project Manager to monitor |
| Unsatisfactory quality of works | Minor (2) | Minor (2) | 4 | Project Manager to monitor |
| Contractor Injury | Minor (2) | Moderate (3) | 5 | Project Manager to monitor contractors OH&S performance |
| Community concerns | Minor (2) | Moderate (3) | 5 | Communication Plan |
| Contaminated Material Exposed | Minor (2) | Moderate (3) | 5 | Project Manager to monitor, ensure exclusion zones are in place. |

Consultation/Communication

| Level of public participation | Promises to the public/stakeholders | Tools/Techniques |
|-------------------------------|---|--|
| Inform | Ongoing communication with businesses & residents through the life of the project | Letters, meetings, phone calls, social media & Chronicle advertisement |

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

Options for Consideration

1. To award the contract as recommended
2. To appoint another contractor
3. Not to award the contract

Conclusion

Recommend that contract C23859 Ovens and Faithfull Street's Intersection Improvements be awarded to Jarvis Delahey Contractors Pty.

Attachments

- 1 C23859 - Ovens & Faithfull Street Roundabout - Evaluation Report - Confidential

15.3 MITCHELL AVENUE BIKE PUMP TRACK

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 February 2020
Author: Project Manager
File No: IC20/64

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 the allocation of funds to the 2019/20 budget for the construction of the Mitchell Avenue Reserve Pump Track.

The works include the following:

- Construction of Pump Track (\$250,000),
- Demolition of the existing Yarrunga Pool buildings, these are on the pump track site (\$50,000 - \$80,000),
- Installation of parkour/skate elements (\$70,000 - \$100,000)

RESOLUTION:

(Moved: Councillor A Fitzpatrick/Councillor D Fuller)

That Council allocates \$400,000 in the 2019/20 budget to construct the Mitchell Avenue Reserve Pump Track.

Councillor Ken Clarke requested his vote to be recorded as against the motion.

Carried

Please follow link [25 February 2020 Council Meeting Video](#) and refer to minutes 47:11 to 49.40 for Councillor Speeches related to Item 15.3 Mitchell Avenue Bike Pump Track.

Background

A commitment was made to the community to develop the Mitchell Avenue Reserve precinct after the demolition of the Yarrunga Pool in 2016.

- The Mitchell Avenue Reserve Masterplan has been developed and is in the process of being implemented.
- The pump track construction is seen as a way of appeasing the BMX community due to the removal of the BMX jumps in late 2019.
- The tendering process has been completed for the pump track but not yet awarded.

Implications

Policy Considerations

Specific Council policies or strategies that relate to this report include:

- Mitchell Avenue Reserve Master Plan
- Access & Inclusion Plan
- Economic Development and Tourism Strategy
- Municipal Public Health and Wellbeing Plan

Financial/Economic Implications

The proposed budget and LTFP allocates \$400,000 to the Mitchell Avenue Reserve Pump Track in 2020/21. This proposal will bring the funding into 2019/20 budget.

Legal/Statutory

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

Social

The development of the Pump Track is a positive contribution to the neighbourhood and surrounds. The objective is to create a Pump Track which can be enjoyed by young people in Wangaratta. It is recognised that such a facility will be utilised by bicycles, skateboards, scooters and blades.

Environmental/Sustainability Impacts

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

2017 – 2021 Council Plan (2019 Revision)

This report supports the 2017-2021 Council Plan:

Goal

We are Healthy

As a community we have access to the services and facilities we need to keep us healthy. We can move around and be active, get medical attention and join in social, cultural and recreational activities with our friends and family.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

Wangaratta is a thriving regional centre, renowned for its high-standard housing, employment, retail businesses, industry, sports and recreation, culture and tourism.

The increase in walking and cycling has contributed to the health of individuals.

b) Walking and Cycling Strategy

Action Plan Item 4.03 – Construction of a Pump Track in line with the Mitchell Avenue Reserve Master Plan.

Action Plan Item 5.08 - A key destination within Wangaratta for the cycling community to connect into.

Risk Management

| Risks | Likelihood | Consequence | Rating | Mitigation Action |
|-----------------------|------------|-------------|--------|--|
| Funding not allocated | Minor (2) | Minor (2) | 4 | Funds are in the 2020/21 proposed budget |

Consultation/Communication

| Level of public participation | Promises to the public/stakeholders | Tools/Techniques |
|-------------------------------|--|--|
| Inform | Ongoing communication with user groups and residents through the life of the project | Website, Newsletter, meetings, phone calls & Chronicle, visualisation boards. |
| Consult | Community consultation into the Mitchell Avenue Reserve Master Plan to determine the future needs for Mitchell Avenue Reserve. | Several engagement activities were undertaken in 2016 and 2017 including meetings, drop in sessions, surveys etc |
| Involve | BMX community review of draft Pump Track design. | Meeting, plans, visualisation boards, 3D renders. |

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

Conclusion

That funds are allocated to the 2019/20 budget to construct the Mitchell Avenue Reserve Pump Track so that a key project within the Mitchell Avenue Reserve Master Plan is delivered for the community.

Attachments

Nil.

15.4 C23927 - AERODROME DEVELOPMENT STAGE 1 & STAGE 2 MASTER GRADING

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 February 2020
Author: Project Officer
File No: IC20/250

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 recommend the award of contract C23927 Aerodrome Development Stage 1 and Stage 2 Master Grading.

This procurement will appoint a suitably qualified contractor to construct new pavement, grade and extend the existing services. The project will support Code C aircraft and prepare the location for future hangars as part of the Wangaratta Airport Master Plan.

The project will support the expansion of avionics businesses and attract tourism companies to the Rural City of Wangaratta.

RESOLUTION:

(Moved: Councillor H Benton/Councillor M Currie)

That Council:

- 1. Award the contract C23927 Aerodrome Development Stage 1 Stage 2 Master Grading to Jarvis Delahey Contractors,***
- 2. Authorises the Chief Executive Officer to sign and seal documents for C23927 Aerodrome Development Stage 1 and Stage 2 Master Grading, and***
- 3. Disclose the contract price for C23927 Aerodrome Development Stage 1 and Stage 2 Master Grading.***

The contract price is \$739,807.00 (GST exclusive).

Carried

Please follow link [25 February 2020 Council Meeting Video](#) and refer to minutes 51:00 to 51:31 for Councillor Speeches related to Item 15.4 Aerodrome Development Stage 1 Stage 2 Master Grading.

Background

Wangaratta Airport Infrastructure Development Plan Master Plan identified the Wangaratta Airport as critical infrastructure for the region. The project is part of the works that will be undertaken to deliver the necessary technical requirements to upgrade the airport's infrastructure and facilities. This project will prepare the location for future construction of airport hangars.

Tenders were advertised through eProcure and the Wangaratta Chronicle. Tenders closed on 16 January 2020 and one submission was received.

The tender evaluation team included two Project Managers and Council's Delivery and Contracts Coordinator.

The Tender was evaluated against the following criteria:

| | |
|------------|-----|
| Cost | 40% |
| Capacity | 30% |
| Capability | 30% |

At the close of tender, one tender was received from Jarvis Delahey Contractors Pty. Ltd.

Implications

Policy Considerations

The project is supported by the Wangaratta Aerodrome Masterplan.

Financial/Economic Implications

Funding for C23927 Aerodrome Development Stage 1 and Stage 2 Master Grading is included in Council's 2019/20 budget.

Council has received \$413,500 (ex GST) in funding from the Commonwealth Government, Regional Jobs and Investment Packages – Goulburn Valley Local Infrastructure Stream.

The project will provide financial growth and economic development through:

- growth in avionics businesses and tourism
- training opportunities for the Royal Australian Air Force and flight Schools
- freight improvement capabilities

Legal/Statutory

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

Social

The project will benefit the community by providing additional support to the Air Ambulance service through technical and functional upgrades. In addition to attracting future aeronautic events and tourism growth and opportunities.

Environmental/Sustainability Impacts

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

2017 – 2021 Council Plan (2019 Revision)

This report supports the 2017-2021 Council Plan:

Goal

We are Growing

We will create and deliver:

Tourism products and experiences that attract visitors.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

N/A

b) Other strategic links

Wangaratta Aerodrome Master Plan 2017.

Risk Management

| Risks | Likelihood | Consequence | Rating | Mitigation Action |
|--|------------|--------------|--------|---|
| Timeframe and achieving the proposed timelines | Minor (2) | Minor (2) | 4 | Project Manager to monitor |
| Unsatisfactory quality of works | Minor (2) | Moderate (3) | 5 | Project Manager to monitor |
| Contractor Injury | Minor (2) | Moderate (3) | 5 | Project Manager to monitor contractors OH&S performance |

| Risks | Likelihood | Consequence | Rating | Mitigation Action |
|--------------------|------------|-------------|--------|----------------------------|
| Community concerns | Minor (2) | Minor (2) | 4 | Project Manager to monitor |

Consultation/Communication

| Level of public participation | Promises to the public/stakeholders | Tools/Techniques |
|-------------------------------|---|--|
| Inform | Ongoing communication with user groups and community. | Website, Newsletter, meetings, phone calls, social media & Chronicle |
| Consult / Involve | User groups | On-site meetings, phone calls, emails. |

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

Options for Consideration

1. Award tender. Continue with procuring hangar, concrete slab, service connection and firefighting service.
2. Not award civil contract and retender works. Request another extension of time from the grant provider.
3. Not award civil contract but continue with hangar, concrete slab, service connection and firefighting service tender and construction. The hangar will be unusable without the civil works being completed and non-compliant with grant agreement.
4. Not award civil contract and discontinue project entirely. Return funding to grant body.

Conclusion

The evaluation panel recommend that contract C23927 Aerodrome Development Stage 1 and Stage 2 Master Grading is awarded to Jarvis Delahey Contractors.

Attachments

- 1 C23927 - Wangaratta Airport Stage 1 Development and Stage 2 Master Grading - Evaluation Report - Confidential

15.5 AMENDMENT TO CONTRACT C23018 WANGARATTA RAILWAY
PRECINCT - URBAN STREET RENEWAL FOR NORTH EAST WATER
ADDITIONAL WORKS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 February 2020
Author: Project Manager
File No: IC20/315

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 amend Contract C23018 – Wangaratta Railway Precinct to include additional works associated with the relocation and renewal of North East Water (NEW) assets in the precinct – to be funded by NEW.

Contract C23018 – Wangaratta Railway Precinct was awarded to Excell Gray Bruni (EGB) at the December Council meeting. The approved contract sum included provision for the relocation of NEW assets directly impacted by the works, identified in the design, and included as a part of the tender process.

Officers, in conjunction with NEW, have established that there is an opportunity to renew all of the NEW assets in the vicinity of the works, and to upsize the existing infrastructure to accommodate for future growth in demand for water supply. These additional works are to be carried out by EGB, under the terms of the existing Council Contract, and funded by NEW.

RESOLUTION:

(Moved: Councillor H Bussell/Councillor M Currie)

That Council:

- 1. Approve an amendment to C23018 - Wangaratta Railway Precinct, with an additional allocation of \$1,074,960.00 (Ex GST), with this additional allocation to be funded by NEW, and***
- 2. Authorise the Chief Executive Officer to sign documents to vary the Contract Sum for C23018 - Wangaratta Railway Precinct to reflect the revised value.***
- 3. Include the additional amount of \$1,074,960.00 (ex GST) in the 2020/2021 financial year budget both as income and expense.***

The contract price is \$522,006.16 (GST exclusive).

Carried

Please follow link [25 February 2020 Council Meeting Video](#) and refer to minutes 53:17 to 54:01 for questions and responses related to Item 15.5 *Amendment to C23018 - Wangaratta Railway Precinct, with an additional allocation.*

Background

Through the development of the Wangaratta Railway Precinct Project, Officers have been in discussions with NEW representatives – amongst many others – in relation to the impacts of the works on their assets and advocating for potential opportunities to be identified and explored.

This has resulted in NEW wanting to take the opportunity to renew, and upsize, the water supply mains in the precinct, in conjunction with the Council civil works, rather than simply modifying the assets where there is conflict with construction.

Completing the NEW works concurrently, gives NEW a benefit in reduced construction costs, and timely procurement and construction. More importantly this will give the community a benefit in reduced disruption, and better levels of service in their water supply, with the risk of breakages and repairs being reduced improving reliability, and increased water volumes available through the upsized mains.

The amendment to Contract C23018 – Wangaratta Railway Precinct is before Council as the Procurement Policy requires that a variation to a contract of greater than 10% of the original value, requires the approval of the next delegation level. In this instance Council awarded the Contract, and only Council can amend it to this value.

Officers have signed an In-Principle Agreement with NEW to the arrangement, and have received written confirmation of the lump-sum contribution for the works from an appropriate Officer and Executive level.

The inclusion of the additional NEW works is likely to require the assessment of an Extension Of Time (EoT) request in accordance with the terms of the Contract. The impacts of the EoT will be assessed when submitted.

Amending the Contract in the way proposed is considered the best way forward for these works. EGB are an approved supplier to NEW, and already have a Contract obligation to perform works on the NEW assets to the necessary standards. This amendment increases the quantity and value of the work but doesn't change the customer and contractor risk profiles.

Implications

Policy Considerations

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

Financial/Economic Implications

There are no significant financial or economic implications identified for the subject of this report. In summary, the pertinent financial figures are:

| | VALUE (EX GST) |
|---------------------------------|----------------|
| ORIGINAL CONTRACT VALUE | \$6,038,108.50 |
| EXISTING NEW WORKS | \$280,000.00 |
| REVISED NEW WORKS | \$1,354,960.00 |
| AMENDMENT TO VALUE OF NEW WORKS | \$1,074,960.00 |
| AMENDED CONTRACT VALUE | \$7,113,068.50 |

There is no net change to Council's direct funding amount.

Legal/Statutory

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

Social

Amending the current contract to include the NEW works will have positive benefits in relation to social impacts. If the works are not undertaken concurrently as proposed, the streets would need to be dug up again in the short term, resulting in repeated disruption to water supplies and construction activities.

Environmental/Sustainability Impacts

The proposal will have positive benefits in relation to environmental and sustainability impacts. If the works are not undertaken concurrently as proposed, the streets would need to be dug up again in the short term, wasting resources and materials.

2017 – 2021 Council Plan (2019 Revision)

This report supports the 2017-2021 Council Plan:

Goal

We are Growing

We will plan, research and advocate for the future:

To promote our growth and development for the benefit of our community and the local economy

We will create and deliver:

Timely and appropriate infrastructure to support our growth areas.

A city centre that is unique, diverse and active

Quality and accessible pathways, cycling and walking tracks that build local and regional connections.

We will plan and make decisions for the future:

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

We will focus on our business:

To ensure that we understand and plan for the long term opportunities, challenges and priorities that face our growth potential

The non-negotiables

Our infrastructure provides community links to recreational, business, services, social and cultural spaces

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

N/A

b) Other strategic links

N/A

Risk Management

Officers believe that appropriate risk management has occurred in the administration of this matter, and it is now ready for Council consideration.

Consultation/Communication

Officers have consulted widely with this project and the matter is ready for Council consideration.

Options for Consideration

Given that the funds necessary for the amended Contract Value have been agreed to be provided by NEW, there are minimal options worth considering.

Not amending the Contract, as an option, and just doing the minimum changes to the NEW assets would result in negative outcomes for the community and NEW. Additional disruption, increased costs, reduced reliability in water supply are each very real possibilities of this option, with NEW needing to complete the works in the short to midterm.

Not amending the Contract, as an option, and putting the increased scope of works out to tender, would result in costly delays as we seek to advertise and procure. There is also the potential for contract claims if the works were awarded

to a separate company, who would need access to the EGB site, and the two companies not cooperating.

Conclusion

The amendment to Contract C23018 – Wangaratta Railway Precinct, to include the additional works associated with the relocation and renewal of North East Water (NEW) assets – to be funded by NEW – is seen as a recommended outcome.

Attachments

- 1 NEW - funding agreement - Confidential

16. DEVELOPMENT SERVICES

16.1 PLANNING APPLICATION PLNAPP19/158.01 - RENEWABLE ENERGY FACILITY (SOLAR INSTALLATION), LACEBY

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 February 2020
Author: Senior Planner
File No: IC20/252

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 recommending approval for the use and development of the land for a renewable energy facility (solar installation) and alteration to access to a road zone category 1, with the subject site being located at Lot 1 TP253930 on Wangaratta-Kilfeera Road and Snow Road in Laceby.

The proposal was advertised to adjacent and nearby landowners and occupiers, as well as in the local newspaper and on Council's website.

Objections received raised the following key concerns:

- Removal of highly productive agricultural land
- Removal of paddock trees
- Floodway overlay
- Visual amenity
- Temperature rise
- Fire risk
- Impact on flora and fauna
- Impact on tourism

The proposal was amended to avoid removal of the paddock trees and re advertised to the objectors. No objections have been withdrawn.

The proposal was referred as required, with no objection to the proposal from the referral authorities.

RECOMMENDATION:

That Council:

1. *Issue a Notice of Decision to grant a permit with respect to planning permit PInApp19/158.01 for the use and development of a renewable energy facility (solar installation) and alteration to access to a road in Road Zone Category 1 at Lot 1 TP253930, Wangaratta-Kilfeera Road, Laceby; subject*

- to permit conditions contained within Attachment 2; and*
- Advise the applicant, submitters and referral authorities of Council's decision.*

Councillor Rees put the motion to vote and the results were:

For: Councillor H Bussell and Councillor D Rees

Against: Councillor H Benton, Councillor K Clarke OAM, Councillor M Currie, Councillor A Fitzpatrick and Councillor D Fuller

The motion was lost.

Please follow link [25 February 2020 Council Meeting Video](#) and refer to minutes 55:43 to 1:16:46 for public questions and responses and minutes 1:17:19 to 2:16:30 for Councillor speeches related to Item 16.1 Planning Application PLNAPP19/158.01 - Renewable Energy Facility (Solar Installation), Laceby.

More detailed information on the proposal can be found in the attached assessment report (see Attachment 1).

Background

Site Description Including Site Plan

The subject site is located to the south of the rural city of Wangaratta at Laceby. It is located at the intersection of the Wangaratta-Kilfeera and Snow Roads. The lot is irregular in shape and measures approximately 130 hectares in area with frontages to Snow Road measuring approximately 970 metres, Wangaratta-Kilfeera Road measuring approximately 1225 metres and O'Connell Lane measuring approximately 1200 metres. The land is currently used for grazing with a farm building located in the south east corner. There are currently three existing access points, being two from Snow Road and one from the Wangaratta-Kilfeera Road.



Proposal in Detail

This proposal is for the use and development of the land for a Renewable Energy Facility (Solar Installation) and the creation of a new access from Snow Road which is a Category 1 Road. No vegetation is proposed to be removed and Tree Protection Zones have been identified on plans for endorsing.

The proposal intends to construct and operate 201,348 panels producing 60 megawatts of energy that will be transmitted directly into an existing 66 Kilovolt powerline that extends along the northern boundary. Each panel is approximately 2 metres in height and 1 metre in width and fixed to linear mounts, being aligned north-south to allow the panels to track the sun throughout the day. The panels are mounted in rows across the site allowing for tree protection zones, internal access and an external perimeter break between the security fencing and panels – see diagram below.

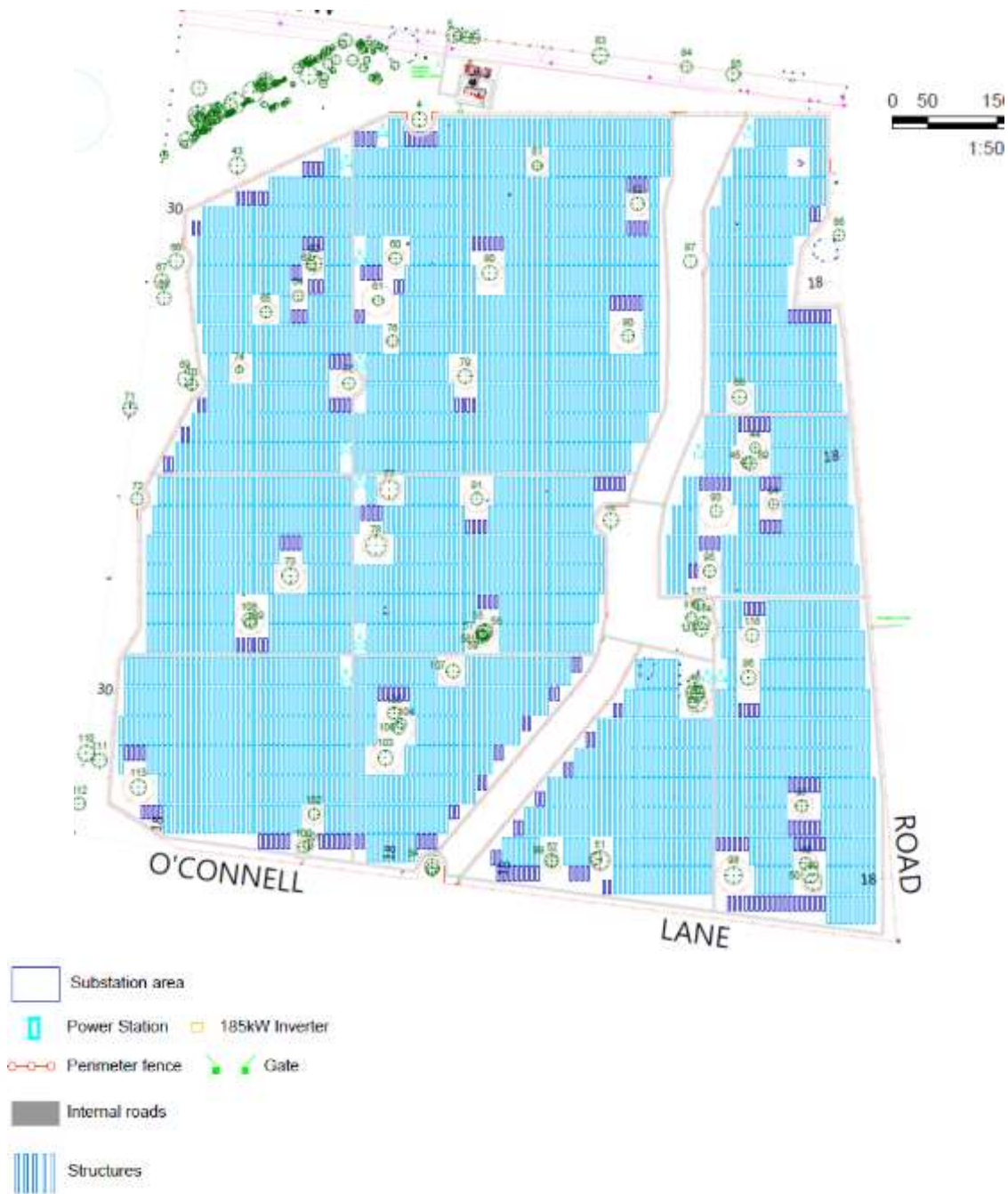


Diagram of the proposed layout of the panels and substation, with internal access road, access via Snow Road and Tree Protection Zones indicated.

Summary of key issues to be considered in the assessment.

- Conflict between the new use and agricultural use
- Loss of agricultural land
- The impact of the development in the floodway overlay on the development and on the flood paths and surrounding area
- Objections
- Area of Cultural Heritage Sensitivity

Implications

Policy Considerations

Summary of the planning considerations including state, local and scheme provisions.

Permit triggers

Clause 35.07 - Farming Zone
Clause 44.03 – Floodway Overlay
Clause 52.09 – Road Zone 1

Planning Policy Framework

Clause 11 Settlement
Clause 11.01-1S Settlement
Clause 13.02-1S Bushfire Planning
Clause 13.03-1S Floodplain Management
Clause 13.07-1S Land Use Compatibility
Clause 14 Natural Resource Management
Clause 14.01-1S Protection of Agricultural Land
Clause 14.01-2S Sustainable Agricultural Land Use
Clause 19.01-2S Renewable Energy
Clause 19.01-1R Renewable Energy – Hume
Clause 21.01 Wangaratta Snap Shot
Clause 21.02 Settlement
Clause 21.04-1 Floodplains
Clause 21.04-3 Bushfire
Clause 21.05 Natural Resource Management
Clause 22.01 Rural Land Use and Agriculture

Others

Clause 53.13 – Renewable Energy Facility (other than a wind farm)
Clause 65 – Decision Guidelines
Hume Regional Growth Strategy 2014
Solar Energy Design and Development Guidelines 2019
An assessment of Versatility of Agricultural Land in the Rural City of Wangaratta 2000
Council Plan 2017 – 2021

Assessment under the Planning and Environment Act

Farming Zone

Purpose

The proposal provides for the ongoing use of the land for agriculture as there is proposed grazing around and under the panels and this is at a stated rate of about 40% of the usual herd that could be accommodated if the development were not there. Due to the fact that the life of the facility is limited to 30 years it is therefore not permanently removing land from agricultural production. This proposal will allow for some limited employment with the applicant stating that there will be jobs in construction, albeit temporary during the construction period

and then ongoing maintenance of the site and panels. There is also the ongoing employment for farming on the site.

The subject site is located in farming land with a number of smaller lifestyle lots nearby but none that share any boundary with the subject site. It is considered that as there is a road and screening between the smaller farming lots and the solar facility that the community amenity is still safeguarded and there will be no off site effects. This is farming land and there could be a range of farming activities that, it is considered, would have greater impact than the proposal, on the community amenity and have off site effects, such as feedlots. This proposal is not near an urban area.

Decision Guidelines

The land has been assessed as being capable of accommodating the use. The floodplain management authority has not objected. The proposal meets a number of requirements from DELWP's *Solar Energy Facilities Design and Development Guideline 2019* with regards to location in that it does not involve the removal of any native trees, is accessible from main roads, is not located near urban areas and is able to be connected directly to the electricity network via the easement on the site. The design of the panels themselves allow for minimal glint or glare and the maximum height of the panel is no greater than 4 metres.

A Visual Impact Assessment determined that the majority of views to the proposed development from public viewing points would be contained or obscured by vegetation and topography. Where the visual impact is considered to be high at some points from Snow Road and Wangaratta-Kilfeera Road these could be mitigated by intermittent boundary screen planting accommodated in appropriate setbacks.

The proposal is consistent with the majority of the purpose and decision guidelines of the Farming Zone.

Floodway Overlay

The North East Catchment Management Authority (NECMA) has determined that the majority of the site would be subject to inundation from the Fifteen Mile Creek System. NECMA has not objected to the application and requested permit conditions for amended plans that will require the development to be constructed in a manner which will ensure that all works can be implemented without detrimental off site impacts and allow for minimal damage to the facility in a flood event.

It is considered that, given the North East Catchment Management Authority have not objected and have assessed that the development can be implemented if certain requirements are met, the proposal can be supported.

Planning Policy Framework

This proposal will bring sustainable power to the region and municipality, allowing for the continued growth of the region and municipality through the provision of

reliable, affordable, clean and sustainable electricity for residents and businesses.

The Country Fire Authority (CFA) has assessed the proposal and has not objected and has issued conditions for any permit that is issued. These consider Risk and Emergency Management, Access, Water Supply and the management of the Vegetation/Fuel on site. It is considered that thorough risk based planning has been undertaken with regards to bushfire.

The subject site, although being identified as being of High Agricultural Versatility at a local level is not of state strategic significance as identified in the Hume Regional Growth Plan. This is due to the fact that it is not within an irrigation area and is used primarily for dry cropping and grazing. The proposed solar facility has a limited life and will not permanently remove land from being able to be farmed. The proposal allows for some farming activity to continue on the site.

The proposal has been assessed against the DELWP's Design and Development Guidelines and it is considered that all relevant requirements have been met for a Renewable Energy Facility.

This proposal will support the residents and businesses in the municipality and region.

Particular and General Provisions

The proposal requires an access from Snow Road for the life of the facility for maintenance and this requires the support of VicRoads. VicRoads does not object to the proposal, but require that during construction the access is from Wangaratta-Kilfeera Road.

It is considered that the proposal will result in orderly planning of the area with minimal effect on the amenity of the area, certainly not as much as some farming activities might have. It is considered that the activity is fairly passive apart from minor noise from the collection of energy as it is passed from the panels to be taken into the network. However, as this is not an urban area it will not affect sensitive uses. No native vegetation is proposed to be removed and landscaping to create a buffer around the perimeter will be implemented. It is considered that the proposal will result in acceptable outcomes in terms of the decision guidelines of Clause 65.

Other Relevant State and Local Policy / Strategies

The Hume Regional Growth Plan 2014 (the growth plan) informs of projected population growth and the need to support this growth and business. The proposal provides affordable and sustainable power to support households and businesses. The growth plan also recognises that due to the decline of industries associated with agriculture that some areas could transition towards their use for renewable energy generation. The subject site is not recognised as being of state significance and is not within an irrigation area. It is currently used for dry cropping and grazing and will not be permanently removed from agricultural use.

The flood hazard can be addressed as advised by NECMA. It is considered that the proposal accords with relevant parts of the growth plan.

The proposal accords with DELWP's 'Solar Energy Facilities Design and Development Guidelines'. The State Government has also set in place targets to achieve renewable energy generation and the proposed facility will contribute toward achieving these targets. It is considered that the proposal has thoroughly considered and addressed the relevant guidelines and this further supports the argument for support of the proposal.

The Council Plan states 'We are Sustainable' and goes into detail about identifying and promoting options to maximise sustainable design for residential, industrial and commercial development. This proposal contributes to this outcome.

Financial/Economic Implications

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

Legal/Statutory

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

Social

The potential social impacts are positive overall with the greater weight being given to net community benefit as the proposal will form part of the electricity network for the state providing clean energy.

Environmental/Sustainability Impacts

The proposal forms part of a drive towards the use of renewable and sustainable energy in state policy.

Area of Cultural Heritage Sensitivity

There is an area of cultural heritage sensitivity over the subject site and this requires an approved Cultural Heritage Management Plan and this has been addressed and received by council.

2017 – 2021 Council Plan (2019 Revision)

This report supports the strategic direction of the 2017-2021 Council Plan:

Goal

We are Sustainable

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

b) Other strategic links

Hume Regional Growth Plan 2014

Solar Energy Design and Development Guidelines 2019 (DELWP)

An assessment of Versatility of Agricultural Land in the Rural City of Wangaratta 2000

Risk Management

| Risks | Likelihood | Consequence | Rating | Mitigation Action |
|--|------------|-------------|----------|-----------------------------------|
| Notice of Decision to grant permit – objectors appeal decision at VCAT | High | Moderate | Moderate | Representation of Council at VCAT |
| Notice of Decision to grant permit – applicant appeals permit conditions at VCAT | High | Moderate | Moderate | Representation of Council at VCAT |
| Refuse to issue a permit – applicant appeals decision at VCAT | High | Moderate | Moderate | Representation of Council at VCAT |

Consultation/Communication

| Level of public participation | Promises to the public/stakeholders | Tools/Techniques |
|-------------------------------|--|--|
| Inform | Advertising has been undertaken pursuant to Section 52 of the Planning and Environment Act 1987. | Letters to adjacent and nearby landowners and occupiers, advertisement in the local newspaper and on Council website. |
| Consult | All submission to the application to be considered. | All submissions have been reviewed and summarised in this report and associated attachment along with responses to concerns. |
| Involve | Council Meeting VCAT | Questions allowed |
| Collaborate | Not applicable | Not applicable |
| Empower | Not applicable | Not applicable |

Notification of the application has been carried out as required by the Planning and Environment Act 1987 and all objections considered as part of the assessment.

Summary of submissions

Ten objections have been received and the main concerns raised by the objectors are summarised below:



- Removal of highly productive agricultural land
- Removal of paddock trees
- Floodway Overlay
- Visual amenity
- Temperature rise
- Fire risk
- Impact on flora and fauna
- Impact on tourism

An assessment of the objections and responses to issues raised are contained in Attachment 1.

Conclusion

It is concluded that after assessment against all the relevant provisions of the Wangaratta Planning Scheme and consideration of all relevant state and local strategies, as well as consideration of all objections that the proposal should be supported, subject to conditions.

Attachments

- 1 Assessment Report 
- 2 Proposed Permit Conditions 

16.2 PLANNING PERMIT APPLICATION PLNAPP19/212 - BOUNDARY REALIGNMENT - 1350 ALLANS LANE, MEADOW CREEK

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 February 2020
Author: Senior Planner
File No: IC20/297

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

Executive Summary

This application seeks approval for the realignment of a common boundary between Lot 1 and Lot 2 on Title Plan 377609M creating a 3.1 hectares allotment containing an existing dwelling and agricultural shedding. The balance lot measures 54.4 hectares.

The subject site is located in Meadow Creek approximately 8 kilometres to the north east of the township of Moyhu in the King Valley. This is farming area and to the south east is significant areas of state forest.

The proposal was advertised to adjoining and nearby landowners and occupiers and Council has not received any objections.

The key issues for consideration are identified as –

- Conflict between farming activities and rural lifestyle living.
- Incremental loss of productive agricultural land.

The proposal has been assessed against the provisions of the Wangaratta Planning Scheme and it does not support the purpose of the Farming Zone and does not accord with appropriate decision guidelines. The proposed is not supported by the state and local policy.

RECOMMENDATION:

That Council:

1. *Refuse to Grant a Permit with respect to Planning Permit Application PlnApp19/212 for a Boundary Realignment at 1350 Allans Lane Meadow Creek based on the following grounds:*
 1. *The proposal does not support the Purpose of the Farming Zone and does not accord with the decision guidelines at Clause 35.07.*
 2. *The proposal when assessed against the relevant state, regional and local planning policies is not considered to be supported. The relevant planning policies being:*

- *Clause 11*
- *Clause 14*
- *Clause 17*
- *Clause 21.02*
- *Clause 21.05*
- *Clause 22.01*

3. The proposal is not supported by local and state strategic documents being:

- *An Assessment of the Versatility of Agricultural Land in the Rural City of Wangaratta April 2000.*
- *Hume Regional Growth Plan 2014.*

2. Notify the applicant and referral authorities are notified of Council's decision.

Councillor D Rees moved an alternate motion:

That Council grant a planning permit with respect to Planning Permit Application PlnApp19/212 for a boundary realignment at 1350 Allans Lane, Meadow Creek subject to conditions listed below, and in accordance with endorsed plans.

Conditions:

General

1. The subdivision layout as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
3. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
4. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Engineering

General

5. Plans and specifications must be prepared at the permit holder's expense

by a qualified engineer and approved by the Responsible Authority before construction begins. The Authority will only approve plans and specifications complying with the current edition of the Local Government Infrastructure Design Association's Infrastructure Design Manual (IDM), and drawn in AutoCAD or equivalent.

6. The permit holder must complete full construction of all new access ways, drainage and related infrastructure. All works must conform to plans and specifications approved by the Responsible Authority.

Drainage

7. Prior to the issue of a statement of compliance the permit holder must satisfy the Responsible Authority that;
 - a) All stormwater runoff originating from or transferred through each Lot in a 10% Annual Exceedance Probability (AEP) rainfall event will either be retained on the Lot or collected and conveyed by underground pipes or open channels to a legal point of discharge. In a 1% AEP rainfall event all stormwater runoff will be collected and conveyed to a satisfactory destination, without adversely affecting any person, infrastructure or natural features in or beyond the Lot.
 - b) No part of any open channel conveying stormwater from or through the developed site will pass through the zone of influence of an effluent disposal field.

Property access

8. Prior to the issue of a statement of compliance the permit holder must satisfy the Responsible Authority that a vehicle crossing providing each Lot with safe and convenient access to and from a suitable public road has been designed, constructed, sealed and drained to IDM standards. Where a rear Lot is accessed by an extended driveway that forms part of that Lot, the driveway must be constructed to the rear boundary of the front Lot in a manner that provides effective dust suppression and drainage.

Construction

9. Before construction begins, and during construction, effective measures must be taken to:
 - a) Secure occupational health and safety; and
 - b) Locate any existing underground services; and
 - c) Implement effective traffic management and environmental controls; and
 - d) Establish and maintain safe construction vehicle access to the site; and
 - e) Maintain vehicle and machinery hygiene; and
 - f) Avoid the spread of soil-borne pathogens and weeds; and
 - g) Minimise erosion, sedimentation and contamination; and
 - h) Reduce the impact of noise, dust and other emissions; and
 - i) Prevent mud, dirt, sand, soil, clay or stones from entering the drainage system; and

- j) Avoid having such materials deposited on public land by construction vehicles;
- k) Establish and maintain all recommended Tree Protection Zones.

10. No excavated or construction materials may be placed or stored outside the site area or on adjoining road reserves or nature strips.
11. No tree may be removed unless that tree is clearly designated for removal in the approved plans, except with the prior written agreement of the Responsible Authority.
12. Prior to the issue of a statement of compliance, all areas and underground services disturbed in the course of works must be restored to their original condition, to the satisfaction of the Responsible Authority.

Expiry

13. This permit will expire if -

- a) The plan of subdivision is not certified within two years from the date of this permit; and
- b) The subdivision is not completed within five years from date of certification of the plan of subdivision.

The Responsible Authority may extend the time at part (a) to gain certification if a request is made in writing before the permit expires or within six months after.

Planning Note/s

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

Seconded by Councillor Harry Bussell seconded the motion.

Councillor Harvey Benton moved an amendment to the motion.

That the following be included in the conditions

Section 173 Agreement

14. Prior to the issue of a Statement of Compliance, the owner of the lots must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987, and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act which provides that:

- (a) The lots created may not be further subdivided so as to increase the number of lots, by excision or otherwise;**
- (b) Lot 2 must not be used or developed for the purposes of a dwelling, residential building or any other accommodation use.**

(c) The owner of Lot 1 (being the dwelling lot) acknowledges and accepts the possibility of nuisance from adjoining agricultural operations including animal husbandry, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation.

The owner/s must pay all costs (including Councils costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

The amended was put to vote.

Results were:

For: Councillor H Benton, Councillor H Bussell, Councillor A Fitzpatrick, Councillor D Fuller and Councillor K Clarke

The amendment was carried.

The amendment became the motion and the motion was carried.

Councillor K Clarke recorded his vote against the motion.

Please follow link [25 February 2020 Council Meeting Video](#) and refer to minutes 1:32:51 to 1:36:22 for public questions and responses related to Item 6.2 Planning Permit Application Plnapp19/212 - Boundary Realignment - 1350 Allans Lane, Meadow Creek.

More detailed information on the proposal can be found in the attached assessment report – see Attachment 1.

Background

Site Description including Site Plan

The subject site is located at 1350 Allans Lane, Meadow Creek. The property is made up of two allotments; Lot 1 TP377609M being 47.3 hectares and Lot 2 TP377609M being 10.2 hectares. Lot 1 currently contains all agricultural associated shedding and the dwelling that is located in the south-east of the site where access is provided on to Meadow Creek Road. The land is in the Farming Zone and the Vegetation Protection Overlay has been applied along the eastern and western property boundaries to protect significant roadside and boundary vegetation. The surrounding area is comprised of large agricultural allotments with very few dwellings along Meadow Creek Road and Box Forest Road.

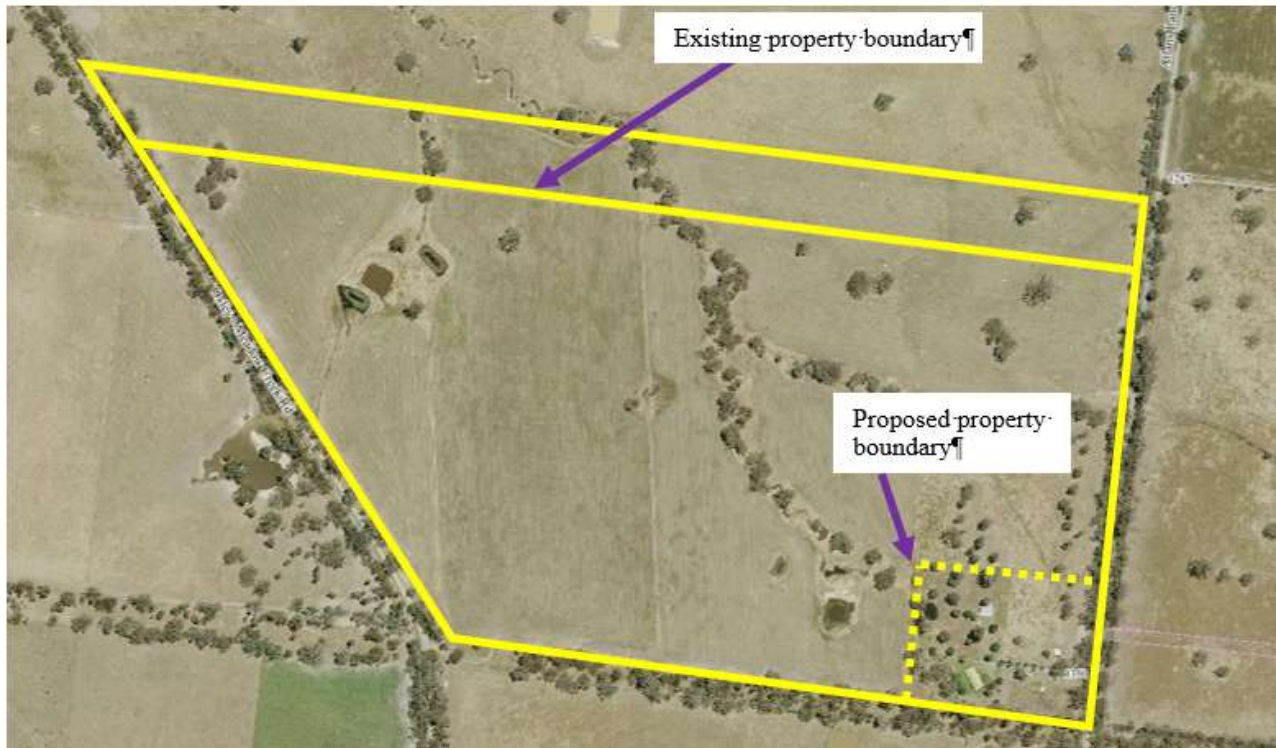


Plan 1: The subject site at 1350 Allans Lane, Meadow Creek (highlighted).

Proposal in Detail

It is proposed to realign the common boundary between Lot 1 and Lot 2 TP 377609M MOYHU, as per Plan 2. Lot 1 currently contains the existing dwelling and has an area of 47.3 hectares, and Lot 2 an area of 10.2 hectares.

The re-subdivision proposes to modify the boundary to create a 3.1 hectare allotment containing the existing dwelling and agricultural shedding. The boundary proposed is the existing fence line.



Plan 2: proposed subdivision layout at 1350 Allans Lane, Meadow Creek (highlighted).

Summary of key issues to be considered in the assessment

- Conflict between farming activities and rural lifestyle living.
- Incremental loss of productive agricultural land.

Implications

Policy Considerations

Summary of the Planning Considerations Including State, Local and Scheme Provisions

Permit Triggers

Clause 35.07 – Farming Zone

Planning Policy Framework

Clause 11.01-1R Settlement – Hume

Clause 12.03-1S River corridors, waterways, lakes and wetlands

Clause 13.07-1S Land use compatibility

Clause 14.01-1S Protection of agricultural land

Clause 14.01-2R Agricultural productivity - Hume

Clause 14.02-1S Catchment planning and management

Clause 17.01-1R Diversified economy – Hume

Clause 21.01-2 Key influences and issues Clause 21.02-1 Settlement network

Clause 21.03-3 Rivers

Clause 21.05-1 Rural land use and agriculture

Clause 21.05-2 Water

Clause 21.12 Reference documents

Clause 22.01-2 Subdivision in rural areas

Others

Clause 65.02 Decision Guidelines

Hume Regional Growth Plan 2014

An Assessment of the Versatility of Agricultural Land in the Rural City of Wangaratta 2000

Area of Cultural Heritage Sensitivity

Assessment under the Planning and Environment Act

The application is considered to be inconsistent with the relevant Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF) clauses and the Farming Zone identified in the Wangaratta Planning Scheme.

The PPF and LPPF contain policy that directly discourages the type of subdivision that is proposed. The application has identified that the subdivision will have no relation to the agricultural use being undertaken on the current site and will effectively be a rural lifestyle lot, in contradiction to the policy at Clause 13.07-1S, Clause 21.05-1 and Clause 22.01-2, as this creates a land use conflict between agriculture and residential that has the potential to limit the operation and expansion of surrounding agricultural properties. Furthermore, the existing

agricultural shedding and cattle yards are proposed to remain on the dwelling lot and not on the balance lot.

The surrounding area is genuine agricultural land where there is no access to the services required for residential land uses. The re-subdivision proposed will allow an additional dwelling to be constructed as of right on the balance lot which will result in the further loss of productive agricultural land and potential for the clustering of dwellings in the area. Clause 14.01-1S identifies there being increased pressure on the development of rural land for residential practices and discourages the inappropriate fragmentation of agricultural land for residential purposes. The clause encourages the protection of farmland that is of strategic significance in the local or regional context.

The Hume Regional Growth Plan, identified in Clause 72.08 Background documents, at Clause 11.01-1R specifies the subject site and surrounding land throughout the king valley as being agricultural land of strategic importance. The plan identifies the Hume Region as being one of Australia's major food producing areas and relies on the findings of the Hume Region Rural Land Use Study (2012). The plan discourages the fragmentation of agricultural land to avoid conflicting land uses. The surrounding area is further documented in 'An Assessment of the Versatility of Agricultural Land in the Rural City of Wangaratta', Department of Natural Resources and Environment (April 2000). This reference document at Clause 21.12 of the Wangaratta Planning Scheme identifies the subject site as 'high' versatility and the land along the King River to the west as being 'very high' agricultural versatility. Clause 21.05 and Clause 22.01 discourage the fragmentation of land within 'high' or 'very high' agricultural versatility areas.

VCAT cases provide precedent for decision and has considered the excision of dwellings. In *Liprino v Wangaratta Rural CC [2006] VCAT 841* the decision references *Parkworth Pty Ltd & Anor v Casey CC [2002] VCAT 1594* stating that the fragmenting of farm land into small lots makes the land unable to utilise genuine farming practices. The decision goes on to further state that land prices are transformed from agricultural to residential and per hectare prices are inflated causing issues for neighbouring farmers if they wish to expand in the future. Furthermore, there is no guarantee that the balance lot will be used for agriculture in the future, as a dwelling can be constructed on the site without the need for a planning permit which will further fragment the Farming Zone and cause further land use conflict between residential and agricultural land uses.

In *Parker v Wangaratta Rural CC [2016] VCAT 59* VCAT's decision was to refuse the application as it did not meet Planning Policy Framework, Local Planning Policy Framework and the purpose of the Farming Zone.

It is recommended that the planning application be refused on the basis that it is inconsistent with the agricultural provisions of the relevant Planning Policy Framework and Local Planning Policy Framework and the Farming Zone provision of the Wangaratta Planning Scheme.

Financial/Economic Implications

The proposal does not have any impact on Council's finances as such. Should the matter be appealed at the Victorian Civil and Administrative Tribunal then Council will likely incur costs associated.

Legal/Statutory

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

Social

The potential social impacts are of detrimental consequences to the rural communities that rely on the preservation of their farming businesses remaining viable, providing employment and social cohesion within these communities along with connectivity to the municipality. There is potential for conflict between the use of the land for farming purposes and rural lifestyle living constraining any prospective farming business to expand or change activities potentially and setting up amenity concerns.

Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for this subject of this report. However, many farms retain native vegetation and this is susceptible to loss without ongoing protection and sustainable management of the land.

Cultural Heritage

The subject site has an Area of Cultural Heritage Sensitivity and the proposal is exempted from the requirements of a Cultural Heritage Management Plan.

2018 -2021 Council Plan (2019 Revision)

This report supports the 2018-2021 Plan

Goal

We will plan, research and advocate for the future:

- To advance the opportunities and potential of our agricultural communities and industries.
- To facilitate considered planning and development in line with long term strategic objectives for the sustainability of our community and environment.

Strategic Links

a) Rural City of Wangaratta 2030 Community Vision

b) Other strategic links

Hume Regional Growth Plan 2014

An Assessment of the Versatility of Agricultural Land in the Rural City of Wangaratta 2000

Risk Management

| Risks | Likelihood | Consequence | Rating | Mitigation Action |
|---|------------|-------------|----------|-----------------------------------|
| Refuse to issue permit – applicant appeals decision to VCAT | Moderate | Moderate | Moderate | Representation of Council at VCAT |
| Grant permit with conditions – applicant appeals conditions at VCAT | Low | Moderate | Low | Representation of Council at VCAT |

Consultation/Communication

| Level of public participation | Promises to the public/stakeholders | Tools/Techniques |
|-------------------------------|--|---|
| Inform | Advertising has been undertaken pursuant to Section 52 of the Planning and Environment Act 1987. | Letters to adjacent and nearby landowners and occupiers, advertisement in the local newspaper and on Council website. |
| Consult | Advertising has been undertaken pursuant to Section 52 of the Planning and Environment Act 1987. | |
| Involve | Council Meeting VCAT | Questions allowed |
| Collaborate | Not applicable | Not applicable |
| Empower | Not applicable | Not applicable |

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

Options for Consideration

Refuse to Grant a Permit with respect to planning permit application PInApp19/212 for a Boundary Realignment at 1350 Allans Lane Meadow Creek VIC 3678


Or

Issue a Permit, subject to conditions.

Conclusion

It is concluded that the proposal does not support the purpose of the Farming Zone, does not accord with what are considered to be appropriate decision guidelines and when assessed against relevant policy the proposal should be refused.

Attachments

1 Assessment Report 

17. SPECIAL COMMITTEE REPORTS

Nil.

18. ADVISORY COMMITTEE REPORTS

Nil.

19. RECORDS OF ASSEMBLIES OF COUNCILLORS & MINUTES OF ADVISORY COMMITTEE MEETINGS

19.1 RECORD OF ASSEMBLY OF COUNCILLORS & ADVISORY COMMITTEE REPORTS

Meeting Type: Ordinary Council Meeting
Date of Meeting: 25 February 2020
Author: Support Officer - Infrastructure
File Name: Assemblies of Councillors
File No: IC19/1416

Executive Summary

Assembly of Councillors:

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 |
|-------------|--|--------------|
| 3/12/2019 | Audit Advisory Committee Meeting | Attachment |
| 2/12/2019 | Councillors Briefing Forum | Attachment |
| 9/12/2019 | Councillors Briefing Forum | Attachment |
| 10/12/2019 | Pre-Council Meeting Discussion – December Council Meeting | Attachment |
| 16/12/2019 | Councillors Briefing Forum | Attachment |
| 16/12/2019 | Arts, Culture and Heritage Advisory Committee Meeting | Attachment |
| 20/1/2020 | Councillors Briefing Forum | Attachment |

| Date | Meeting details | Refer |
|-----------|----------------------------|------------|
| 28/1/2020 | Councillors Briefing Forum | Attachment |
| 3/2/2020 | Councillors Briefing Forum | Attachment |

Advisory Committee Meetings:

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

1. Audit Advisory Committee Meeting – 12 September 2019
2. Audit Advisory Committee Meeting – 17 September 2019
3. Arts Culture & Heritage Advisory Committee Meeting – 16 December 2019

RESOLUTION:


(Moved: Councillor H Benton/Councillor D Fuller)

That Council:

- 1. receives the reports of Assemblies of Councillors***
- 2. notes the minutes of these Advisory Committees***

Carried

Attachments

- 1 Assembly of Councillors - Councillors Briefing Forum - 2 December 2019 
- 2 Assembly of Councillors - Audit Advisory Committee Meeting - 3 December 2019 
- 3 Assembly of Councillors - Councillors Briefing Forum - 9 December 2019 
- 4 Assembly of Councillors - Pre Council Meeting Discussion - 10 December 2019 
- 5 Assembly of Councillors - Councillors Briefing Forum - 16 December 2019 
- 6 Assembly of Councillors - Arts Culture & Heritage Advisory Committee Meeting - 16 December 2019 
- 7 Assembly of Councillors - Councillors Briefing Forum - 20 January 2020 
- 8 Assembly of Councillors - Councillors Briefing Forum - 28 January 2020 
- 9 Assembly of Councillors - Councillors Briefing Forum - 3 February 2020 
- 10 AUDIT ADVISORY COMMITTEE MEETING - Minutes - 12 September 2019 
- 11 AUDIT ADVISORY COMMITTEE MEETING - Minutes - 17 September 2019 
- 12 ARTS, CULTURE AND HERITAGE ADVISORY COMMITTEE MEETING - Minutes - 16 December 2019 

20. NOTICES OF MOTION

Nil.

21. URGENT BUSINESS**RESOLUTION:**

(Moved: Councillor H Benton/Councillor D Fuller)

That Council resolves to close the meeting to members of the public in accordance with section 89(2) of the Local Government Act 1989 to consider an urgent and confidential matter.

Item 23.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to : (b) the personal hardship of any ratepayer or resident.

22. PUBLIC QUESTION TIME

Please follow link [25 February 2020 Council Meeting Video](#) and refer to minutes 2:03:18 to 2:15:13 for public questions and responses related to Item 22 Public Question Time.

23. CONFIDENTIAL BUSINESS**RESOLUTION:**

(Moved: Councillor H Benton/Councillor D Fuller)

That Council resolves to close the meeting to members of the public in accordance with section 89(2) of the Local Government Act 1989 to consider the following item:

23.1 CONFIDENTIAL MATTER

Item 23.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to : (b) the personal hardship of any ratepayer or resident.

RECOMMENDATION:

(Moved: Councillor K Clarke OAM/Councillor A Fitzpatrick)

That Standing Orders be resumed.

Carried

24. CLOSURE OF MEETING

The Meeting closed at 8.03pm.