



Rural City of  
**Wangaratta**

# Agenda

For the Ordinary Council Meeting  
Council Chambers, Municipal Offices  
62-68 Ovens Street, Wangaratta **22 February 2022**



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## Rural City of Wangaratta Live Stream

Clause 24 of the Governance Rules provides the following:

*“This public meeting is being recorded to improve access to the meeting for our community. The recording will be published and will be retained by Council in accordance with Council’s legal obligations. As a visitor in the public gallery, your presence may be recorded.”*

### 1. Acknowledgement of Traditional Owners

*We acknowledge the traditional owners of the land on which we are meeting. We pay our respects to their Elders past, present and emerging and to Elders from other communities who may be here today.*

### 2. Opening Prayer

*Almighty God, we humbly ask thee to bless and guide this council in its deliberations so that we may truly preserve the welfare of the people whom we serve. Amen*

### 3. Present

### 4. Absent

### 5. Acceptance of Apologies & Granting of Leave of Absence

## Order of Business

### 6. Citizen Ceremony

### 7. Confirmation of Minutes

#### Recommendation:

That Council read and confirm the Minutes of the Special Meeting on 31 January 2022 as a true and accurate record of the proceedings of the meetings.

## 8. Conflict of Interest Disclosure

In accordance with section 130 of the Local Government Act 2020 a councillor who has a conflict of interest in respect of a matter must disclose the conflict of interest in the manner required by Council's Governance Rules and exclude themselves from the decision making process in relation to that matter, including any discussion or vote on the matter and any action in relation to the matter.

Clause 28.1 of Council's Governance Rules requires a councillor to indicate that they have a conflict of interest by clearly stating:

- (a) the item for which they have a conflict of interest; and
- (b) whether their conflict of interest is general or material; and
- (c) the circumstances that give rise to the conflict of interest.

**Immediately prior to the consideration of the item in which they have a conflict of interest, a councillor must indicate to the meeting the existence of the conflict of interest and leave the meeting.**

A councillor who discloses a conflict of interest and leaves a Council meeting must not communicate with any participants in the meeting while the decision is being made.

## 9. Reception of Petitions

## 10. Hearing of Deputations

### Presentation Of Reports

## 11. Councillor Reports

Nil

### Officers' Reports

## 12. Executive Services

Nil

## 13. Community Wellbeing

Nil

## 14. Corporate Services

Nil

## 15. Infrastructure Services

### 15.1 C33938 - Mackay Street Drainage Reconstruction

Meeting Type:	Ordinary Council Meeting
Date of Meeting:	22 February 2022
Author:	Project Officer
File No:	IC22/44

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

The purpose of this report presented to Council is to provide details on the tender evaluation and recommendation for contract award of C33938 – Mackay Street drainage reconstruction.

The project has been identified to address community concerns received in relation to drainage issues and vehicle safety relating to the intersection at Mackay and Rowan Streets.

This project will revitalise the streetscape helping to connect to the CBD, formalise car parking and footpaths to encourage additional parking within close proximity to the CBD and improve safety conditions.

This procurement opportunity was unique to Council's requirements, therefore collaborative procurement opportunities were not considered.

#### Recommendation:

That Council:

1. Award Contract C33938 - Mackay Street drainage reconstruction to Bordignon Excavations Pty Ltd;
2. Authorises the Chief Executive Officer to sign and seal documents when available; and
3. Disclose the contract amount for Contract C33938 - Mackay Street drainage reconstruction.

#### Background

The existing drainage is not sufficiently capturing stormwater runoff. The drainage is in poor condition and has been impacted by existing Plane trees, creating a significant flood issue in frequent rainfall events.

During initial consultation with residents and businesses further issues were identified including the lack of formalised parking and disability parking, the need for footpath improvements and the potential to improve the overall streetscape appeal.

A tender was advertised to deliver the works through Eprocure and the Wangaratta Chronicle.

Tenders closed on 18 January 2022, with one submission received from Bordignon Excavations.

### Implications

#### Policy Considerations

Council's Procurement Policy principles, processes and procedures were followed whilst conducting the tender evaluation.

#### Financial/Economic Implications

Council adopted a budget of \$680,000 (ex GST) as part of the 2021/22 Capital Works Program, to deliver the works and preliminary works required to prepare the site.

This project has been fully funded via the Victorian Government's Roads to Recovery Program.

#### Legal/Statutory

Local Government Act 2020.

#### Social

The upgrade of the stormwater system and car parking will benefit local residents by reducing flooding and improving the streetscape value.

#### Environmental/Sustainability Impacts

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

### Strategic Links

#### Council Plan 2021 – 2025

This report supports the 2021-2025 Council Plan through the following objectives and actions:

- 1. Strengthening our Leadership**  
Continue to provide transparency for the community regarding the information being considered in decision making processes.
- 2. Nurturing our Wellbeing**  
Work closely with community groups to leverage and access State and Federal funding opportunities.

#### Rural City of Wangaratta 2033 Community Vision

This report supports the 2033 Community Vision through the following objectives:

- "Activate spaces and places to compliment activity around the municipality".

#### Other strategic links

Wangaratta Car Parking Plan.



### Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Time frame and achieving the proposed timelines	Minor (2)	Moderate (3)	5	Project Manager to monitor. COVID Safe plan in place
Community concern	Minor (2)	Moderate (3)	5	Project manager to monitor
Unsatisfactory quality of works	Minor (2)	Moderate (3)	4	Project Manager to monitor

### Consultation/Communication

Prior to tender advertising, Council officers undertook a mailout to adjoining property owners and undertook face to face discussions with relevant businesses.

Further consultation will occur prior to the commencement of construction.

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

### Options for Consideration

1. Award contract Mackay Street drainage reconstruction to Bordignon Excavations Pty Ltd.
2. Not award contract Mackay Street drainage reconstruction and re-advertise the procurement.

### Conclusion

Following a comprehensive evaluation of tenders against the pre-determined evaluation criteria and weightings, Contract C33938 - Mackay Street drainage reconstruction is recommended to be awarded to Bordignon Excavations Pty Ltd.

### Attachments

- 1 C33938 - Mackay Street Drainage Reconstruction - Evaluation Report Confidential - Confidential

## 16. Development Services

### 16.1 Planning permit application PInapp21/198 - 21-23 Templeton Street Wangaratta - Development of residential buildings for social housing, demolition of buildings & partial waiver of car parking requirements

Meeting Type:	Ordinary Council Meeting
Date of Meeting:	22 February 2022
Author:	Planning Coordinator
File No:	IC22/42

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 determine planning permit application PInapp21/198. Due to the number of objections exceeding three, the application must be determined by Council.

This application seeks a permit to redevelop land at 21-23 Templeton Street Wangaratta. The land is currently managed by Uniting Care for the purpose of providing housing to disadvantaged persons. The site features a number of single-story units which are several decades old.

The proposal includes the complete demolition of the existing buildings and the construction of a new, four story (ground floor plus three levels above) complex split over 3 separate buildings. The formal description of the application is: *Development of residential buildings for social housing, demolition of buildings and partial waiver of car parking spaces to be provided.*

Following the public notice process a total of 13 objections have been received. These objections are considered later in this report and in the attached assessment.

The recommendation is to issue a Notice of Decision to Grant a Permit. The recommendation is based on a merits assessment of the proposal having regard to the applicable policies, objectives and decision guidelines in the Wangaratta Planning Scheme.

#### Recommendation:

That Council:

1. Issues a Notice of Decision to Grant a Permit in respect of planning permit application PInapp21/198, for the *Development of residential buildings for social housing, demolition of buildings & partial waiver of car parking spaces to be provided*, at 21-23 Templeton Street Wangaratta, subject to the permit conditions contained in **Attachment 1**.
2. Advises the applicant and submitters of this decision.

**Property Details**

Land/Address	21-23 Templeton Street Wangaratta (being Lot 1 TP 553914, Lots 1 & 2 TP 112190 and part of Lots 1 & 2 TP 82634)
Zones and Overlays	Commercial 1 Zone (C1Z) – Whole site  Heritage Overlay – Schedules 25 and 26 – Only over a small portion of the property
Why is a permit required	Clause 34.01-1 Commercial 1 Zone (A permit is required to intensify the use of the land for a section 2 use (being Social Housing))  Clause 34.01-4 Commercial 1 Zone (A permit is required to construct a building and carry out works).  Clause 43.01 – Heritage Overlay (A permit is required demolish a building. A permit is also required to construct a building and carry out works).  Clause 44.06-2 – Bushfire Management Overlay (A permit is required to construct a building or carry out works associated with Accommodation).  Clause 52.06-3 – Car Parking (A permit is required to reduce the number of car parking spaces to be provided).

**Proposal in Detail**

Uniting Care Vic/Tas is seeking a permit to re-develop an existing facility they own and operate in Wangaratta. The re-development is significant and will replace single storey units with a large facility with more capacity to house people who need assistance.

A current aerial image of the site is included below:



A photo of the site as seen from Templeton Street is seen below:



The site is to the west of the King George gardens and is within the boundary of the Wangaratta Central Activity Area (CAA).

It is important to note that the proposal relates to social housing, not public housing and that the land is currently used for this purpose.

The site will be managed by Uniting Care, and tenancy within the facility will be at the discretion of Uniting Care. The units within the site will not be offered to the general housing market. Social Housing managed in this way, is essentially a not-for-profit organisation providing housing to disadvantaged persons.

The proposal is a development that is significant with the following key features:

- 44 individual dwellings/units;
- 3 individual buildings that are 4 storeys in height;
- 20 car parks;
- Landscaping;
- Bicycle parking facilities;
- A private collection agreement to dispose of waste;
- Rainwater collection and re-use.

The existing facility (being 16 single storey units) will be completely demolished to make way for the proposal. A set of development plans are included at **Attachment 2**.

The front elevations (artists impression) are shown below:



### Summary of Key Issues

The issues that fundamentally influence this proposal are:

- Consistency with the Planning Policy Framework (State Policy);
- Consistency with Local Planning Policy;
- Consistency with Apartment Development Standards;
- Appropriate design to create a high level of internal amenity for residents;
- Appropriate building design to account for external amenity;
- Provision of car parking;
- Grounds of objection;
- Referral Authority responses;
- Site management;
- Sustainable design practices.

### Objections

Council received 13 objections to the application which are considered below. Council also received 6 letters of support. Due to the number of objections exceeding 3, the decision must be made by Council and not by a delegated officer.

The grounds of objection include:

- Privacy concerns (i.e. overlooking);
- Security concerns;
- The development is not right for the area and/or Wangaratta;
- Density of units is too high;
- Lack of communal/open space;
- Increased traffic;
- Lack of parking;
- Undesirable people will gather in the King George gardens;

- Shop security concerns;
- It will change the character of the area;
- Metro centric proposal; and
- Inconvenience of building work during construction.

A full response to these grounds of objection are provided in **Attachment 3**.

### **Assessment under the Planning and Environment Act**

A full assessment of the proposal against the Wangaratta Planning Scheme is provided at **Attachment 3**.

As with all planning permit applications, the starting point is to consider whether or not the proposal results in an acceptable planning outcome having regard to the Wangaratta Planning Scheme.

It needs to be highlighted that this proposal is not a standard/conventional housing development for the general real estate market. It relates to a specialist need in the form of social housing. This form of social housing is run by a private/charitable organisation, outside of the formal state run social housing programs (public housing).

It is viewed that the proposal, at a higher 'strategic' level, achieves consistency with the Wangaratta Planning Scheme and is suitable for support. This view is formed on the basis of:

- The subject site is within walking distance of many essential services, and as such lends itself well to the needs of disadvantaged persons who are mobility limited;
- The site is zoned for higher intensity outcomes;
- Although the site is on the periphery of a heritage precinct, it is not in the midst of the heritage precinct;
- Local Policy does not support maintaining the status quo in the Central Activities Area (CAA) – in fact it strongly supports development up to four storeys;
- Local Policy also supports the activation and intensification of the CAA;
- The proposal meets all of the objectives in Clause 58 of the Wangaratta planning Scheme (Apartment Developments) and meets a majority of standards (in other words, the proposal meets the finer and detailed technical requirements of the Planning Scheme);
- The use of a variety of finished materials, colours and textures, in combination with the breaking up of the built form over 3 individual buildings means that the built form is appropriate and is site responsive;
- There is an underlying need for more social housing, and this site already caters for disadvantaged persons (seemingly without amenity conflicts);
- The internal amenity is (overall) to a standard that meets the expectations of the Planning Scheme given the size, orientation and constraints of the site;
- The Planning Scheme requires development to be of an acceptable standard;
- The provision of 20 car parking spaces is sufficient given the social housing use of the building;
- Minor features of the development which need finessing can reasonably be dealt with by permit conditions (including the requirement to make minor modifications).

## Implications

### Policy Considerations

There are no specific Council policies or strategies that relate to this report (apart from the Wangaratta Planning Scheme).

### Financial Implications

There are no financial 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 the subject of this report.

### Environmental/Sustainability Impacts

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

### Economic Impacts

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

### Referrals/Public Notice

The application was referred to the CFA by virtue of the Bushfire Management Overlay (BMO). They responded with conditional consent.

North East Water were notified of the application and have also responded with no objection but did offer commentary that the existing water supply and sewer may need modification. Any such modifications are a matter for the applicant to negotiate with North East Water directly.

## Strategic Links

### Council Plan 2021 – 2025

This report supports the 2021-2025 Council Plan through the following objectives and actions:

#### Goal

##### We are Sustainable

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

##### We are growing

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

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

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



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

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

**Risk Management**

Risks	Likelihood	Consequence	Rating	Mitigation Action
Refuse to Grant a Permit - Applicant appeals decision at VCAT	Moderate	Moderate	Moderate	Representation of Council at VCAT
Notice of Decision to Grant a Permit – Objector/s appeal decision at VCAT	Moderate	Low	Low	Representation of Council at VCAT
Notice of Decision to Grant a Permit – Applicant appeals permit conditions at VCAT	Low	Low	Low	Representation of Council at VCAT

**Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Notify potentially affected parties of the application	Notice of Application sent to surrounding owners and occupants and was available on Council's website.
Consult	All submissions to the application will be considered.	All Submissions have been reviewed and summarised in this report along with a response to relevant planning considerations.
Involve	Opportunity to make a submission.	Notice of Application sent to surrounding owners and occupants.

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

**Options for Consideration**

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




OR

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

### Conclusion

On balance it is considered that the scale and design of the proposed development is acceptable, achieves suitable outcomes in terms of relevant planning considerations and should be supported with appropriate conditions as outlined in **Attachment 1**.

### Attachments

- 1 Planning permit application PInapp21/198 - Proposed permit conditions [↓](#) 
- 2 Planning permit application PInapp21/198 - Development Plans [↓](#) 
- 3 Planning permit application PInApp21/198 - Assessment against the Wangaratta Planning Scheme [↓](#) 

**17. Special Committee Reports**

Nil

**18. Advisory Committee Reports**

Nil

**19. Minutes of Advisory Committee Meetings**

Nil

**20. Notices of Motion**

Nil

**21. Urgent Business**

**22. Public Question Time**

**23. Confidential Business**

Nil

**24. Closure of Meeting**

**Attachments**

## **Attachment 1 – PInapp21/198**

### **Proposed permit conditions**

#### **Buildings to be used for Social Housing**

1. The use and occupation of the buildings hereby approved, must only be for social housing purposes at all times.

#### **Endorsed plans**

2. The development layout as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

#### **Amended plans**

3. Prior to the commencement of works, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions. The plans must generally be in accordance with the plans submitted with the application but modified to show:
  - a) A revised site plan with an increased setback of from the north and west boundary consistent;
  - b) A revised west elevation to prevent passive overlooking from walkways and other public areas of the SPOS of the adjoining property (25 Templeton Street);
  - c) A revised set of floor plans to provide for at least 50% of the dwellings to have at least one bathroom that are adaptable as per Table D7 of Clause 58.05-1;
  - d) Revised ground floor plan to reduce the number of bicycle parks to be provided, and an increase in the communal area to the west of unit 0.02;
  - e) A revised ground floor plan to provide for a more free flowing path from the entrance to the stairs/lift to the west of unit 0.02.

#### **Development expiry**

4. This permit will expire if any of the following circumstances applies:
  - a) The development is not started within two years of the original issue date of this permit.
  - b) The development is not completed within four years of the original issue date of this permit.

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

#### **Landscape maintenance**

5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants must be replaced and any weeds or noxious species controlled.

**Amenity – Site Maintenance**

6. Maintenance of all buildings, surrounds, storage and parking areas within the site must be carried out in such a manner to render the site in a neat, tidy and clean condition at all times to the satisfaction of the Responsible Authority.

**Amenity – Lighting**

7. External lighting must be designed, baffled, directed and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

**Amenity – Storage of goods**

8. All goods, materials, plant or machinery equipment must be stored out of view or in a manner that is not unsightly when viewed from nearby land, roadways or other public places.

**External colours not to be altered**

9. The external colours, materials and/or finishes of the building(s) must be consistent with the endorsed plans at all times, and must not be altered without the written consent of the Responsible Authority.

**Waste Management Plan**

10. All waste must be managed generally in accordance with the endorsed Waste Management Plan forming part of this permit, unless with the written consent of council.
11. Waste, refuse and rubbish must only be stored in the locations provided for in the endorsed plans, or must be stored within the premises at all times.
12. The Waste Management Plan must be implemented by management.

**Tech Services conditions****General**

13. Plans and specifications must be prepared at the permit holder's expense by a suitably qualified and/or registered engineer and approved by the Responsible Authority before construction begins. The Authority will only approve plans and specifications complying with the current edition of the Local Government Infrastructure Design Association's Infrastructure Design Manual (IDM) and drawn in AutoCAD or equivalent.







































































































