



Rural City of
Wangaratta

Minutes

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

Contents

1.	Acknowledgement of Traditional Owners	5
2.	Opening Prayer	5
3.	Present	5
4.	Absent.....	5
5.	Acceptance of Apologies & Granting of Leave of Absence	5
	Order of Business	5
6.	Citizen Ceremony.....	5
7.	Confirmation of Minutes	5
8.	Conflict of Interest Disclosure.....	6
9.	Reception of Petitions	6
10.	Hearing of Deputations.....	6
	Presentation Of Reports.....	6
11.	Councillor Reports.....	6
	Officers' Reports	6
12.	Executive Services.....	6
13.	Community Wellbeing	7
14.	Corporate Services	7
15.	Infrastructure Services	8
15.1	C33938 - Mackay Street Drainage Reconstruction.....	8
16.	Development Services	11
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	11
17.	Special Committee Reports.....	21
18.	Advisory Committee Reports.....	21
19.	Minutes of Advisory Committee Meetings.....	21
20.	Notices of Motion	21
21.	Urgent Business.....	21
22.	Public Question Time	21

23.	Confidential Business.....	24
24.	Closure of Meeting.....	24

1. Acknowledgement of Traditional Owners

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

2. Opening Prayer

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

3. Present

Councillors:

Ms Irene Grant, Mr David Fuller, Mr Dean Rees, Mr Harry Bussell, Mr Harvey Benton, Ms Ashlee Fitzpatrick, Jack Herry

Officers:

Brendan McGrath, Chief Executive Officer; Marcus Goonan, Director Infrastructure Services; Stephen Swart, Director Development Services; Sarah Brindley, Director Corporate Services.

4. Absent

Nil.

5. Acceptance of Apologies & Granting of Leave of Absence

Order of Business

6. Citizen Ceremony

Nil

7. Confirmation of Minutes

(Moved: Councillor H Benton/Councillor A Fitzpatrick)

That Council read and confirm the Minutes of the unscheduled Council Meeting of 31 January 2022 as a true and accurate record of the proceedings of the meeting.

Carried

8. Conflict of Interest Disclosure

Nil.

9. Reception of Petitions

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.

Nil.

10. Hearing of Deputations

Nil.

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.

(Moved: Councillor J Herry/Councillor H Benton)

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.

Carried

The contract price was disclosed at \$526,180.60 excluding GST.

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.

(Moved: Councillor J Herry/Councillor A Fitzpatrick)

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.

Carried

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	<p>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))</p> <p>Clause 34.01-4 Commercial 1 Zone (A permit is required to construct a building and carry out works).</p> <p>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).</p> <p>Clause 44.06-2 – Bushfire Management Overlay (A permit is required to construct a building or carry out works associated with Accommodation).</p> <p>Clause 52.06-3 – Car Parking (A permit is required to reduce the number of car parking spaces to be provided).</p>

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	All Submissions have been

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
	application will be considered.	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 

Questions from the Gallery

Julie Harper referred to the planning permit application PInapp21/198 - 21-23 Templeton Street Wangaratta and asked the following questions:

1. What view does Council take on the extra parking requirements not only for residents but emergency services, daily nursing visits, meals on wheels. What plans do the Council have in the future for extended all day parking and hourly meter parking along Templeton Street?

Stephen Swart, Director Development Services responded that as part of the application Council considered data that indicated that social housing residents in Wangaratta have low vehicle

ownership rates compared to those in non-social housing areas. Officers have formed a view that the number of parks is sufficient given the proposed use and the proposed 20 car parks compared to the current number of parking spaces onsite which is only two.

The parking arrangements for timing along Templeton Street are not proposed.

2. Considering the project will include 3-bedroom apartments to house families, where on the property will there be a secure designated play area for children?

Stephen Swart, Director Development Services responded that the site is located close to the centre of the centre of town and within walking distance to a range of services and opportunities including King George Gardens. The developer is not proposing a playground as part of this proposal and there is no mandatory requirement in the planning scheme for Council to require them to do so.

3. With the project being 4 storeys has there been any consideration for mobility scooter parking at the project.

Stephen Swart, Director Development Services responded that the layout of the development has accounted for all abilities access. Individual units will be wide enough to allow for mobility scooters to enter and disability access will also be considered under the Building Code as part of the future building permit application process.

4. It has been reported that there is excessive pressure on the current Wangaratta sewage system with a halt for the next 5 years on subdivisions. Will this development have any negative affect to the current system?

Stephen Swart, Director Development Services responded that there is no hold on subdivisions over the next 5 years. There are certainly some issues around sewerage provision in some parts in Wangaratta including our growth areas. When it comes to this application it was referred to North East Water and one the reasons we did that is the ability to service this proposal and to be assessed by that authority. The application came back without any objection to the proposal and if approved the applicant will need to continue to work with North East Water to serve the development appropriately.

5. With significant increased traffic along this stretch of the street in the past few years, also used as a rat run by large heavy vehicles to bypass the city, the development will again increase the congestion with the extra number of residents and the services they use, how does the council plan to elevate the danger to pedestrians crossing the road accessing commercial businesses, school children using this stretch of road and visitors.

Stephen Swart, Director Development Services responded that a traffic impact assessment was submitted as part of the application and the proposed development is not expected to have any significant impacts on road safety in the area. Councils Technical Services team have also reviewed the application and traffic impact assessment and did not raise any road safety concerns. Some aspects of the proposal may even improve some of the safety conditions such as the waste collection arrangements.

Damien McCormack asked about the privacy to 25 Templeton Street Wangaratta given that the building will be four stories high and occupants will be looking out of their windows and there will also be shade loss.

Stephen Swart, Director Development Services responded that the overlooking part of that aspect will be considered as part of the application.

There are some permit conditions proposed as part of this to try and help manage that and improve that even further. As the application stands it does comply with the planning scheme but there are some recommendations for some minor improvements through permit conditions that will improve that even further.

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

Nil.

22. Public Question Time

Brian Fox asked whether Council would consider shortening the hours of paid parking time in the CBD suggesting hours beginning at 10:00am and finishing at 4:00pm.

Mayor Dean Rees responded that Council works closely with all the local businesses relation to parking meters and footpath trading requirements. Shortening hours of parking will not necessarily ensure that pedestrians are walking the streets of Wangaratta or frequenting local businesses. Paid parking is used as a traffic management tool to ensure that spaces closer to shops are available for shoppers to access the services and facilities they need. Reducing paid parking times may have the opposite effect allowing people to park longer in those spaces closer to the shops and then not available for use.

Council have been operating a footpath trading system for many years. The permit system is important as to ensure pedestrian safety and amenity of the CBD. Without the permit system, items may end up being put in areas that obstructs the footpath and creates hazard tampering movement.

Carolyn Trethowan on behalf of the Milawa Hall & Park Committee asked what the Rural City of Wangaratta's intentions were for the future of the Milawa Hall and Park and what support and funds could they expect for the Milawa Hall and Park?

Marcus Goonan, Director Infrastructure Services responded that Council make a yearly contribution to the Milawa Hall Committee of \$1,500 to assist with maintenance works. This year this is also a \$40,000 grant to complete works on the main building including ceiling, lights, fans and bi-fold doors.

In councils long term financial plan there is also approximant \$150,000 planned over a three year period via building renewal works. These works include restumping, removal of asbestos walls, resealing and repairing cracks in internal walls.

Ann Dunstan asked if Council could investigate additional public toilets and bollards put into the footpath at the Milawa Hall due to the increased demand from visitors to the area with caravans.

Marcus Goonan, Director Infrastructure Services responded that he will ensure a member from his team completes a site visit to investigate the issues raised.

Paula Griffiths referred to the proposal by ARTC for a new massive bridge within the Glenrowan Heritage Precinct and asked whether the Rural City of Wangaratta put forward any alternative bridge locations suggestions to ARTC? If so, what were they, and what was the reasoning behind the decision not to proceed with them?'

Stephen Swart, Director Development Services responded that the Inland Rail project seeks to increase clearances along the railway line to enable safe passage for double stacked freight trains. Council has worked closely with the ARTC on proposals for sites at Glenrowan and Wangaratta since the start of this project. As part of this process, ARTC has considered a range of options for Glenrowan including track lowering, a new bridge at quarry road, a hybrid new bridge at quarry road a new level crossing at Beaconsfield Parade and a new bridge immediately adjacent to the existing bridge which is currently the preferred solution.

Some of these options were considered were in response to feedback received from Council. A new bridge adjacent to the existing bridge was determined to be the preferred solution due to achieving better outcomes from a heritage point of view, reduced impact on native vegetation and properties. Heritage Victoria also have provided in principle support for this preferred solution. Council considered the exposition relating to this project in April last year and resolved to support in principle the ARTC proposal for replacement the existing Beaconsfield Parade bridge with a new bridge directly to the West of the existing bridge.

Joanne Griffiths referred to the Heritage Impact Statement ("HIS") provided by the Rural City of Wangaratta to Heritage Victoria in support of its application for the proposed tower development

in Lions Park, Glenrowan Heritage Precinct, certified by RCOW as true and correct, and justifying proposed siting of the tower within Lions Park, by claiming this would enable improved views of key heritage sites from the tower.

It is noted in the HIS, the tower should be sited in the centre of the park, despite its strong interference with street level views and apparently destructive impact on heritage open space character as a former railway reserve since 1880, and on other cultural values of the park.

Furthermore, this siting was in clear contradiction to strong recommendations of the comprehensive Glenrowan Master Plan 2002 and the Conservation and Landscape Management Plan 2018. Notably, those studies by a consensus of heritage experts strongly concluded that complete protection of the open space heritage values and character was required, including enhancement by removing built obstructions, restoring full views from Gladstone Street to the Glenrowan Inn site.

It is noted that the Heritage Impact Statement listed views of the following key sites as reasons for siting of the proposed tower accepted by Heritage Victoria, but the views cannot be obtained for the following reasons.

Intended derailment site: this site 800m east of Glenrowan Station has no visibility from the tower being blocked by intervening convex topography and trees and built instructions making a view unobtainable from a tower apparently even 20m high.

Glenrowan stationmaster's house (Misleading- the original stationmaster's house from 1880 was demolished, the present "stationmaster house" is in a totally different place and of different construction and is of no substantial heritage significance), and obstructed by the current bridge and furthermore, the proposed bridge.

The Glenrowan Inn site which you can get a far better view by walking there.
"Kelly Copse" This no longer exists, and all the trees were cut down.

Mount Glenrowan- this view will be heavily obstructed from the street footpath and beyond by the apparent tower height (over 20 m wide) having approximately double the apparent elevation compared to the mountain from adult eye height at the footpath.

Does Council acknowledge that the alleged improved views included in its application as justification for siting of the tower were unsurveyed, are in fact misleading, and in multiple instances do not exist and cannot be obtained, and that it has ceased construction that was stated to commence on Monday 15 February because it is now aware:

the RCOW application was in fact misleading because of the above discrepancies and the approval is therefore apparently void at law, and that:

RCOW appears to have failed to supply a Federal Heritage referral and to properly obtain approval for works affecting this site protected under both State Heritage and Federal Heritage legislation, and accordingly, why should ratepayers or the people of the State of Victoria entrust council with further management of any Kelly related Cultural Heritage Project in the light of such heritage-damaging, financially wasteful and costly conduct.

Stephen Swart, Director Development Services responded that the full survey on the project site was undertaken as part of the permit process for the project. The Heritage Impact Statement as referred to in that question assessed the impact of the heritage place based proposal, the siting of

the building will provide the approved views from a viewing platform of the significant locations across the site.

The aim of the interpretive centre and the interpretation within it is to help visitors to understand the context and significance of events on that site. The location of the building supports an understanding of the relationship between the sites, whether they currently exist in their original form or not. Interpretation will be further enhanced by technology and storytelling within the interpretation centre that will further allow visitors to envision the events that took place within the precinct. The Heritage Impact Statement assessed the impact of the proposal on the heritage place and found that it had a minor impact only the proposed development is consistent with the Glenrowan Masterplan which is referred to in the question and the Landscape Management Plan which is also referred to in the question and the development has been approved by Heritage Victoria considering all of these matters.

Council has met all State and Federal requirements in obtaining all the necessary permits for the project. We will continue to ensure that all requirements under that permit are met as we proceed to the construction phase of the project.

David Moroni

David referred to a package he delivered to Council on the 11th May, 2021 and asked why he did not receive an acknowledgement or response from Council and whether Council signed a mutual non-disclosure agreement with the Australian Rail Track Corporation.

Brendan McGrath responded that the first part of his question would be taken on notice so that he could investigate what has happened to the package. In relation to the agreement, there are some agreements in place with the ARTC that do protect the confidentiality of some of what's proposed that applies only to very limited elements of the project and largely, all of the information is in the public eye and has been part of various consultation processes by ARTC.

23. Confidential Business

Nil.

24. Closure of Meeting

The Meeting closed at 6.43pm.