



Rural City of
Wangaratta

Minutes

For the Scheduled Council Meeting
Council Chambers, Municipal Offices
62-68 Ovens Street, Wangaratta
6pm 27 February 2024

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1. Acknowledgement of Traditional Owners

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

2. Opening Prayer

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

3. Present

Councillors:

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

Officers:

Brendan McGrath, Chief Executive Officer; Marcus Goonan, Director Community and Infrastructure; Sarah Brindley, Director Corporate and Leisure; Simone Nolan, Acting Director Sustainability and Culture

4. Absent

5. Acceptance of Apologies & Granting of Leave of Absence

Order of Business

6. Citizen Ceremony

Nil

7. Confirmation of Minutes

Resolution:

(Moved: Councillor H Benton/Councillor I Grant)

That Council read and confirm the Minutes of the Ordinary Meeting of 12 December 2023 as a true and accurate record of the proceedings of the meeting, noting some formatting changes throughout as per the Governance Rules.

Carried

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

9.1 Petition - Eldorado Foodshare, Gunhouse Park

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	27 February 2024
Author:	Director Community and Infrastructure
File No:	IC24/93

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

Executive Summary

A petition containing 104 signatures has been received.

The petition requests Council's assistance in constructing a small storage shed in a discrete location on the Council owned land of Gunhouse Park, Eldorado.

It is stated that this will ease the burden of storage at a private residence and the loading and unloading of equipment and makes equipment available for use by other community groups when using Gunhouse Park.

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

Recommendation:

1. That the petition regarding the request for Council's assistance in constructing a small storage shed in a discrete location on the Council owned land of Gunhouse Park, Eldorado be received.
2. That a report into investigations into the request within the petition be considered at the March Ordinary Council meeting.

Councillor A Fitzpatrick moved an alternative motion:

1. That the petition regarding the request for Council's assistance in constructing a small storage shed in a discrete location on the Council owned land of Gunhouse Park, Eldorado be received.
2. That the petition be referred to the CEO for consideration and a response.

The motion was seconded by Councillor Dave Fuller

Carried

Conclusion

Clause 13 of the Rural City of Wangaratta Governance Rules, provides that a petition presented to the Council, may be dealt with in any of the following ways. The petition may:

- be received
- where the petition relates to an item listed on the agenda, be considered in conjunction with that agenda item.
- be referred to the Chief Executive Officer for consideration and response.
- be referred to the Chief Executive Officer for a report to a future Council meeting.

Where the petition relates to an operational matter, Council must refer it to the Chief Executive Officer for consideration.

Where a petition relates to a planning matter which is the subject of a public notification process under the *Planning and Environment Act 1987*, the petition will be treated as a joint submission in relation to that planning matter.

Where a petition relates to a matter which is the subject of a community engagement process under the *Local Government Act 2020*, the petition will be treated as a joint submission in relation to that matter.

Attachments

- 1 Petition - Eldorado Foodshare, Gunhouse Park 

10. Hearing of Deputations

Presentation Of Reports

11. Councillor Reports

Nil

Officers' Reports

12. Executive Services

12.1 MAV Membership Delegation

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	27 February 2024
Category:	Strategic
Author:	Executive Services Coordinator

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 update the appointed Substitute Delegate for the Municipal Association of Victoria (MAV) as per the Rules Part 2, Division 2 – Appointment and Obligations of Delegates.

Resolution:

(Moved: Councillor I Grant/Councillor A Fitzpatrick)

That Council:

1. retain Cr Rees as the Delegate for the Municipal Association of Victoria (MAV)
2. appoint Cr Harvey Benton as the Substitute Delegate for the Municipal Association of Victoria (MAV) in the Mayor's absence

Carried

Background

According to the [MAV Rules Part 2 – Membership and membership participation](#), Division 2 – Appointment and Obligations of Delegates, 7.6 The Association must maintain a Register of Delegates, listing those who are currently delegates and substitute delegates and the participating member councils that appointed them.

This report is presented to update those details since the Rural City of Wangaratta election held in November 2023. Appointments must be made by a resolution of the participating member council.

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

[Rules Part 2 – Membership and membership participation | MAV website](#)

Social and Diversity

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

Equity Impact Assessment (EIA)

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

Environmental/Sustainability Impacts

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

Attachments

- 1 Municipal Association of Victoria - Rules Schedule 1 

13. Corporate and Leisure

13.1 Council Plan Strategic Indicators and Actions Update - Quarter 2 (October - December 2023)

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	27 February 2024
Category:	Operational
Author:	Governance & Reporting Advisor

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 presents the 2023-24 Quarter 2 (October – December 2023) update for the Council Plan Strategic Indicators and Actions.

Resolution:

(Moved: Councillor H Benton/Councillor D Fuller)

That Council:

- Notes the Quarter 2 (2023-2024) results for the Council Plan 2021-2025 Strategic Indicators and Actions as contained in the attached reports.

Carried

Background

Council Plan Actions

252 Council Plan Actions are to be completed during the 2023/24 financial year (**Attachment 1**).

As at the end of Quarter 2, 240 actions were reported as: complete (32); on track (208); off track (4); pending (7) and on hold (1).

Some of Council's completed actions reported so far during the 2023/24 year include:

Leadership

- 1.1.2.1 – Develop a community engagement toolkit that ensures the community is engaged at key stages of all major Council projects
- 1.1.2.4 - Develop an online community engagement portal to be hosted on Council's website
- 1.4.1.3 – Develop an Advocacy Strategy to ensure Council can maximise opportunities for funding and program support

Nurturing our Wellbeing

- 2.2.2.4 – Develop, endorse and implement an Age Friendly Strategy
- 2.2.4.3 - Support children and parents after their involvement in Maternal Child Health services and before kindergarten

Valuing our Environment

- 3.1.2.5 – Ensure the Community Grant Program supports environmentally sustainable projects
- 3.1.3.1 – Review and implementation of Council’s Roadside Conservation Management Plan
- 3.3.2.2 – Increase electricity consumed by Council from renewable sources to at least 50% by 2025

Expanding our Economy

- 4.1.3.3.- Launch a new ‘Visit’ website to provide relevant up to date travel content
- 4.3.2.1 – Support the establishment of a Regional Universities Centre in Wangaratta

Enhancing our Lifestyle

- 5.7.2.2 – Plan and deliver significant play space destinations that cater for all abilities, including Apex Park and King Valley playgrounds.

Growing with Integrity

- 6.5.1.2 – Supporting emerging community groups, clubs and activities within new neighbourhoods.

Strategic Indicators (Attachment 3)

There are 12 Strategic Indicators that can be reported quarterly.

As at the end of Quarter 2, 5 of these Strategic Indicators were reported as On Track.

Some of the positive results for the 23/24 financial year include:

Strengthening our Leadership

- 1.0.8 Days to close CRMS (Target 14 – Result 4.33)

Expanding our Economy

- 5.0.5 Number of attendees at the Wangaratta Art Gallery (Target YTD 15,996 – Result YTD 19,814)
- 5.0.6 Tickets sold through the Wangaratta Performing Arts and Convention Centre (Target YTD 9,252 - Result YTD 14,195)

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. Funding to deliver the actions in the Council Plan has been allocated via council’s Annual Budget.

Legal/Statutory

The obligation to report on progress of delivery of the actions and priorities set out in the Council Plan actions is prescribed by the *Local Government Act 2020*.

Social and Diversity

The intended social benefits from delivering these actions are outlined in the Council Plan 2021-25.

Equity Impact Assessment (EIA)

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

Environmental/Sustainability Impacts

The intended environmental/sustainability benefits from delivering these actions are also outlined in the Council Plan 2021-25.

Strategic Links**Council Plan 2021 – 2025**

This report supports the 2021-2025 Council Plan by providing an update on the organisation's progress in implementing its actions.

Risk Management

Council risks a reputational failure by failing to adequately monitor and deliver its key objectives. By the regular reporting of its Strategic Indicators and Actions, Council can ensure the appropriate level of monitoring and transparency occurs to mitigate this risk.

Risk Management Framework

Risks	Likelihood	Consequence	Rating	Mitigation Action
Failure to proactively monitor Council's progress against its Council Plan	2 – Unlikely	Moderate	5 – Medium	Schedule a standing bi-annual Council Meeting report.

Consultation/Communication

Council Plan actions are being progressively implemented by the appropriate officers across the organisation. The status of Council Plan actions and strategic indicators are reported to the executive management team and Audit and Risk Committee on a quarterly basis alongside other regular updates.

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

Options for Consideration

There are no options for consideration.

Conclusion

The attached reports provide the community with an appropriate level of transparency on the progress of council's delivery against the actions and commitments set out in the Council Plan 2021-25.

Attachments

- 1 Actions 
- 2 Actions - On Hold Off Track and Pending 
- 3 Strategic Indicators 

13.2 Audit and Risk Committee Independent Member Re-Appointment

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	27 February 2024
Author:	Governance & Reporting Advisor
File No:	IC24/252

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 to formally endorse the re-appointment of an independent member to Council's Audit and Risk Committee.

Resolution:

(Moved: Councillor J Herry/Councillor I Grant)

That Council:

1. Re-appoints Mr Vito Giudice to the Audit and Risk Committee (Committee) as an independent member:
 - a) For a further term of 3 years commencing on the date of this resolution; and
 - b) In accordance with any other terms and conditions relevant to independent member established by the Local Government Act 2020 (Vic), the Committee's Charter, Council's Governance Rules and any other relevant council policies or procedures.

Carried

Background

The Audit and Risk Committee (the Committee) was established by Council in August 2020 under section 53 of the *Local Government Act 2020* (Vic).

The Committee Charter (Attachment 1) states the Committee must include two Councillors and at least three, and up to four, independent members who are not Councillors and who are not members of Council staff. Clause 5.2(3) of the Charter also provides that an independent member may be appointed for up to two consecutive terms.

Council is requested to endorse the appointment of Mr Vito Giudice for a further three-year term.

Implications

Policy Considerations

The Committee's Charter contains membership provisions related to independent member appointments, including that:

1. The committee must include at least three, and up to four, other independent members;
2. Independent members must collectively have expertise in financial management and risk and experience in public sector management;
3. Independent members may be appointed for a term of up to three years;
4. The terms of office of independent members may be arranged to avoid more than two independent members retiring at the same time.

Financial/Economic Implications

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

Legal/Statutory

Section 53 of the Act governs the membership requirements, including that an Audit and Risk Committee must consist of a majority of members who are not Councillors of the Council and who collectively have expertise in financial management and risk, and experience in public sector management.

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.

Strategic Links

Council Plan 2021 – 2025

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

1. Strengthening our Leadership

Provide open and transparent communication to the community to build trust, respect and understanding.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Council not having sufficient members to obtain a quorum for Audit and Risk Committee meetings	2 - Unlikely	Major	Low	Council endorsing a preferred candidate in accordance with the Audit and Risk Committee Charter.

Consultation/Communication

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

Options for Consideration

Council can either endorse the re-appointment of Mr Giudice or call for Expressions of Interest to try and find a more suitable candidate.

Conclusion

The proposed appointee will assist with the continued improvement of council's governance, integrity, and risk outcomes.

Attachments

- 1 Audit and Risk Committee - Charter 
- 2 Resume - Confidential
- 3 Assessment Summary - Confidential

14. Community and Infrastructure

14.1 Fair Access Policy

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	27 February 2024
Category:	Strategic
Author:	Recreation Officer

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 endorse the draft Community Sport Facility Booking Policy, Community Sport Fair Access Policy and Action Plan for public exhibition for 28 days from 29 February 2024.

Resolution:

(Moved: Councillor H Benton/Councillor D Fuller)

That Council:

1. Endorse the draft Community Sport Facility Booking Policy, Community Sport Fair Access Policy and Action Plan for public exhibition for 28 days from 29 February 2024.
2. If any amendments are made to the Community Sport Facility Booking Policy, Community Sport Fair Access Policy and Action Plan due to submissions during the exhibition process, the relevant Policy is reviewed at a future Scheduled Council Meeting.
3. If no submissions requiring changes to the Community Sport Facility Booking Policy, Community Sport Fair Access Policy and Action Plan are received, adopts the relevant policy without further resolution of Council.

Carried

Background

From 1 July 2024 Victorian Government Funding Criteria for community sport infrastructure will require gender equitable access and use policies to be in place. These need to be developed with actionable outcomes, which require consultation with community sporting groups.

In November 2023, the first drafts of these documents were presented to CMT. The drafts attached have been modified based on feedback from the Sport and Recreation Advisory Committee, and the Office for Women in Sport and Recreation.

Implications

Policy Considerations

The existing community booking policy is due for review, and will be reviewed in consideration of these changes and the impacts Fair Access has on our bookings process.

Financial/Economic Implications

Not complying with the Fair Access Program as set out by the Victorian Government would mean that Council would no longer be able to receive state funding for sport and recreation projects. Implementation of these policies may in future impact how Council structures fees and charges around sports bookings.

Legal/Statutory

The Community Sport Fair Access policy and Action Plan is mandated by the Victorian Government.

Social and Diversity

This report provides an opportunity to increase social outcomes due to improved access to community sport for women and girls.

Equity Impact Assessment (EIA)

For reports relating to a policy, program or service.

Is an EIA legislatively required? Yes

	Recommendation	Justification
1	Extensive consultation, ensuring input across gender, culture, age and ability	The policy aims to support equity of access. We must consult widely to determine what that looks like in practice.
2	Support clubs and make use of resources such as Office for Women in Sport and Recreation, and Sport North East, as the policy is developed and implemented	In order to have successful, impactful change we need buy in from clubs and community.

Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for the 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. Nurturing our Wellbeing

2.3.2.1 With support and training, ensure that our community groups and committees have strong governance and are inclusive and viable.

2.4.1.3 Provide accessible, affordable, and inclusive opportunities for all members of our community to participate in physical activity.

Rural City of Wangaratta 2033 Community Vision

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

G1- Strengthen Council's approach to designing and supporting inclusive and liveable communities.

G4- Support all our community members to be healthy and well, especially our most vulnerable.

H3- Increase opportunities for people to connect to their community and each other.

H4- Provide quality and accessible community facilities based on community needs.

I1 Deliver and support programs that increase participation in physical activity.

I2 Provide facilities and infrastructure that give opportunities for physical activity and active living.

J3 Partner to create a community environment that is safe and minimises harm.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Community backlash	3 - Possible	Moderate	6- Medium	Education and support for community sporting organisations
Loss of funding opportunities	2- Unlikely	4- Major	6- Medium	Ensuring documentation meets state government requirements within set timeframes

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Updates about the initiative	Newsletter and email updates
Consult	Sharing of initial drafts	Stakeholder meetings
Involve	Discussion in open forum and invitation to provide direct feedback	Stakeholder feedback
Collaborate	Sharing changes based on feedback	Stakeholder input
Empower		

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

Options for Consideration

Council could choose not to endorse the drafts for exhibition. This could result in the loss of funding as the state government requires adoption of policies prior to July 1 2024 in order to be eligible for funding.

Council could choose to extend the exhibition timeline. This would result in shortened timelines for full adoption of the policies, which increases the risk of loss of funding opportunities.

Conclusion

Officers recommend the documents are endorsed for public exhibition through the Connect Portal for a period of 28 days.

Attachments

- 1 Community Sport Fair Access Action Plan 
- 2 Community Sport Fair Access Policy 
- 3 Sport Facility Booking Policy 
- 4 Fair Access Policy GIA 

Public Question:

Anne Dunstan (19:05)

Question: Is this going to trigger a response to your public toilet facilities as well as fair access across gender abilities because if you're changing sport and rec facilities, your public toilets might fall under that?

Director Marcus Goonan responded: it is specifically for sporting facilities so it would incorporate toilets if they're part of the sporting facility. If we look at the situation in Tarrawingee, there are toilets both with the sporting facility and outside, we would say the outside ones are public use and therefore not part of the sporting facility, but the ones that sit within the building are part of the facility. The thing to stress with this Policy, it is specific to sport so its's not about general access, it is about gender access to sporting facilities.

14.2 Hall Committee Member Nominations

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	27 February 2024
Category:	Strategic
Author:	Community and Recreation Coordinator

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 endorse the nominations of volunteers to committees of management (COM) under the Community Asset Committee Instrument of Delegation. These are additional community members who have requested spots on their local committees of management, and Council officers are in support:

1. Edi Upper Hall
2. Eldorado Memorial Hall
3. Milawa Hall and Park
4. Everton Hall and Reserve
5. Moyhu Soldiers Memorial Hall

The nominations are for a period of three years. A list of nominated members is attached.

Resolution:

(Moved: Councillor H Bussell/Councillor H Benton)

That Council endorses the nominations in the attached report to the following Community Asset Committees

1. Edi Upper Hall
2. Eldorado Memorial Hall
3. Milawa Hall and Park
4. Everton Hall and Reserve
5. Moyhu Soldiers Memorial Hall

Cr Harry Bussell read out the list of successful nominations:

- *Edi Upper Hall - Greg Whitaker*
- *Eldorado Memorial Hall - Michael Carey*
- *Bowmans Murrumbidgee - Jane Witherow*
- *Milawa Hall and Park - Beverley Tiffin, Bernard Neal, Fiona Neal*
- *Everton Hall and Reserve - Brenton Hayward*
- *Moyhu Soldiers Memorial Hall - Regina Callaway*

Carried

Background

All appointments to Community Asset Committees are made in line with Council's policy governing appointments to Council Committees.

The Instrument of Sub-Delegation details in section 3.1(8) that all appointments to the committees will be made by Council in accordance with the Council policy governing appointments to Council Committees.

Implications

Policy Considerations

The Community Asset Committee Instrument of Delegation and the Appointment to Council Committees Policy apply to these nominations.

Financial/Economic Implications

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

Legal/Statutory

The requirements for nominations is made in accordance with the Local Government Act

Social and Diversity

The Community Asset Committees provide an important service to their communities, providing a gathering place and social centre for their rural communities. A strong and vibrant committee will benefit the community, and close links between the committee and Council will create greater awareness of needs in that community.

Environmental/Sustainability Impacts

COM's are responsible for the management of any environmental issues relating to the land upon which their facilities are situated.

Equity Impact Assessment (EIA)

An Equity Impact Assessment is not required for 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

- 1.3.2.1 Continue to support the delivery of the Rural Placemaking Plans in partnership with our rural communities.

2. Nurturing our Wellbeing

- 2.3.2.1 With support and training, ensure that our community groups and committees have strong governance and are inclusive and viable.
- 2.3.3 Increase opportunities for people to connect to their community and each other.
- 2.3.4.1 Provide quality and accessible community facilities based on community needs.

4. Expanding our Economy

4.4.2 Enhance the activity in our rural townships

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Governance risk associated with the sub-delegation of powers from the CEO to Community Asset Committees	Possible	Moderate	Medium	The appointment of members by a formal resolution of Council reduces governance risk by ensuring that all members appointed to a committee are covered by Council's public liability insurance.

Consultation/Communication

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

Options for Consideration

- That Council endorses the nominations to the following Community Asset Committees
- That Council does not endorse the nominations to the Community Asset Committees.

Conclusion

Council officers have reviewed the nominations received for endorsement to the relevant Community Asset Committees which will delegate the control, management and maintenance of its council owned community assets and uphold Councils requirements under the Local Government Act

Attachments

- 1 Committee of Management Nominations Feb 2024 - Confidential

15. Sustainability and Culture

15.1 Planning Permit Application 22/136 - 25 Pin Oak Drive Wangaratta - Two lot Re-subdivision and Variation of a Restriction

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	27 February 2024
Author:	Principal Planner
File No:	IC24/192

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 a planning permit application for a Two Lot Re-Subdivision and variation of a restriction at 25 Pin Oak Drive, Wangaratta.

Pursuant to instrument of delegation, officers do not have delegation to determine a planning permit application that is subject to four or more objections. At the time of writing this report, five objections were received.

Since the receipt of the objections, the applicant has modified their original proposal by withdrawing their concurrent application to *Amend a Section 173 agreement* and the consequential addition of a dwelling entitlement on the proposed Lot 2.

Having undertaken an assessment of the application against the Wangaratta Planning Scheme and having considered public submissions to the proposal and responses from referral authorities, officers are of the view that the application is consistent with the Wangaratta Planning Scheme. A full assessment is included at **Attachment 1**.

Resolution:

(Moved: Councillor H Benton/Councillor J Herry)

That Council:

1. Issues a Notice of Decision to Grant a Planning Permit for the Two lot re-subdivision and variation of a restriction at 25 Pin Oak Drive Wangaratta subject to the conditions contained in **Attachment 1**; and
2. Advises the applicant and submitters of the decision.

Carried

Property Details

Land/Address	25 Pin Oak Drive, Wangaratta Lot 10 Plan PS744667 and Lot A PS701885
Zones and Overlays	Low Density Residential Zone - Schedule 1 Public Park and Recreation Zone Flood Overlay Land Subject to Inundation Overlay Design and Development Overlay – Schedule 6 (Wangaratta Aerodrome Obstacle Height Areas)
Why is a permit required?	Subdivision: <ul style="list-style-type: none"> A permit is required to subdivide land in the: <ul style="list-style-type: none"> - Low Density Residential Zone - Public Park and Recreation Zone - Flood Overlay - Land Subject to Inundation Overlay - Design and Development Overlay Variation of a restriction: <ul style="list-style-type: none"> A permit is required to vary or remove a restriction under Section 23 of the Subdivision Act 1988

Proposal in Detail

Refer to **Attachment 2** for plans of the proposal.

Locality

The subject site is located south of Wangaratta in the Laceby Grange Estate on the northern side of Clarkes Lane and is bounded by the One Mile Creek to the north, in the Low Density Residential Zone of the Wangaratta Planning Scheme.

The Laceby Grange Estate is a mix of low density residential properties generally between 2000 and 4000sqm in land size.



Figure 1: Subject sites at 25 Pin Oak Drive (highlighted red).

Site History

The Laceby Grange Estate subdivision was approved under Planning Permit Pln08-205a.01 in 2014. The subdivision took place in 2 stages. Reticulated sewer was not in place at the time of the original application and lots within the estate were subject to a minimum lot size of 4000m² under the requirements of the Low Density Residential Zone. Lots within the second stage of the subdivision have been connected to reticulated sewer which allowed an amendment to the permit that allowed some lots to be reduced to 2000m².

Building Envelopes to protect dwellings from flooding were required as part of the permit. Wangaratta Planning Scheme amendment C81 was adopted in 2021. The effect of this amendment on the subject site was to lessen the extent of mapped potential flooding within the Flood Overlay (FO) and Land Subject to Inundation Overlay. Other lots within the estate have since been approved to vary (increase) their building envelopes in line with the new flooding extent.

Property Details

- Lot 10/PS 744667 (25 Pin Oak Drive) is located on the north side of Pin Oak Drive and is 6660sqm in size. The land is currently vacant. The access to the site is from Pin Oak Drive.

The site is encumbered with a Building Envelope (restriction on title). The building envelope follows the line of flooding potential and indicated by the extent of the Land Subject to Inundation Overlay at the time of subdivision approved by Planning Permit Pln08-205a.01 in 2014.

- Lot A/PS 701885 is a long narrow vacant allotment and is currently used for equine grazing. The lot is bounded by the One Mile Creek to the west and abuts the rear of properties in Pin Oak Drive and Tathra Place to the east. The lot is 5.87 hectares and contains the riparian zone of the One Mile Creek. The site is accessed from Tathra place.

Both lots are encumbered by a Section 173 agreement (AM918981Q). The restrictions imposed by this agreement as relevant to this application are:

- No clearing of native vegetation is permitted on the subject land;
- The responsibility of active management of the riparian zone in accordance with the Riparian Zone Management Plan is the responsibility of the owners of said lots;
- No further subdivision of Lot A as to create additional lots and no dwellings on Lot A pursuant to North East Catchment Management Authority (NECMA) condition 64;

The agreement is registered to 27 lots within the estate who are all burdened by and benefit from the terms of the agreement.

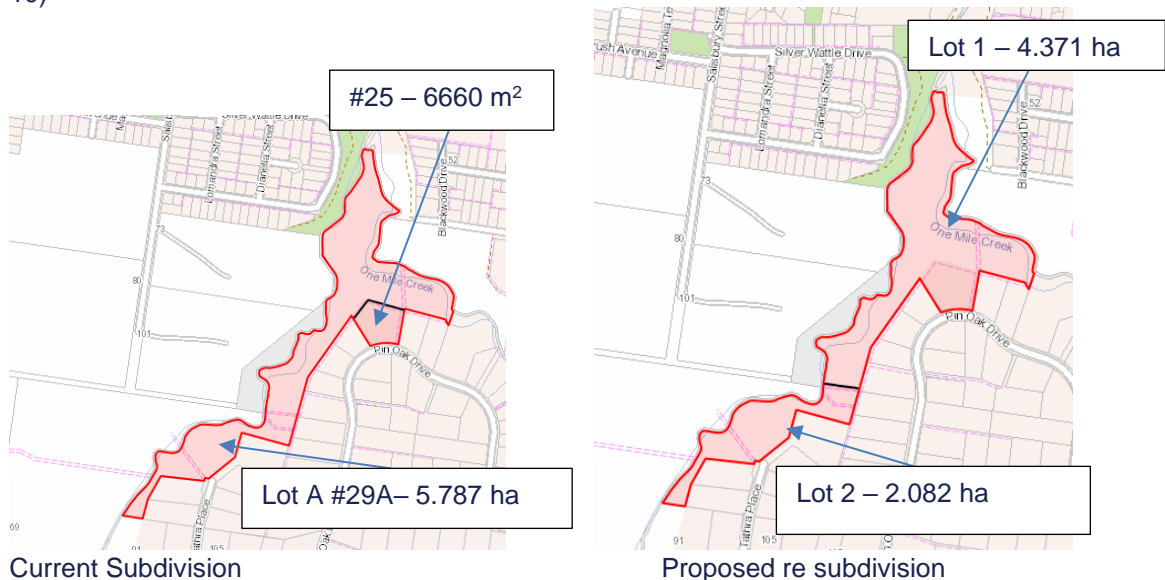
Proposal

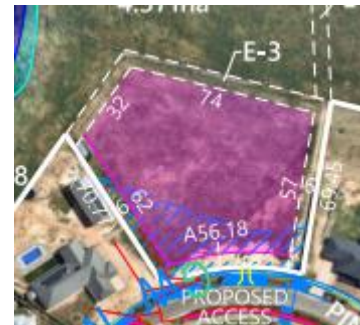
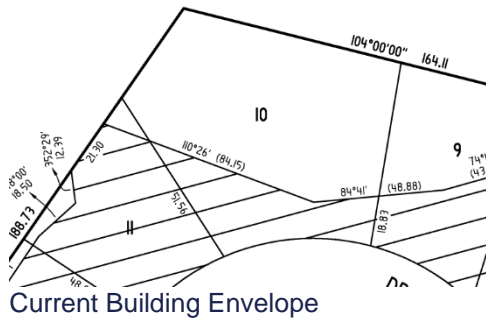
The application currently before Council seeks to re-subdivide and vary a restriction.

The re-subdivision component of the application is as follows:

Lot	Current	Proposed
25 Pin Oak (Lot 10)	6660 m ²	4.371 ha
29A Pin Oak (Lot A)	5.787 ha	2.082 ha

PlnApp 22/136 seeks a Two lot subdivision and variation of a restriction (building envelope on Lot 10)





Summary of Key Issues

- Changes in the extent of Flooding and NECMA’s advice
- Purpose of the Low Density Residential Zone
- Effect of the Section 173 agreement
- Objectors concerns

A detailed assessment of the application against the relevant parts of the Wangaratta Planning Scheme and the *Planning and Environment Act 1987* (the Act), as well as consideration of matters raised in submissions is included in **Attachment 1**.

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

Section	Clause	Provision
Planning Policy Framework	11.01-1R 11.02-1S 12.03 13 14.02-2S 15	1. Settlement-Hume. 2. Supply of Urban Land 3. Water bodies and wetlands 4. Environmental Risks and Amenity 5. Water quality 6. Built Environment and Heritage
Zone	32.03 36.02	Low Density Residential Zone- Schedule 1 Public Park and Recreation Zone
Overlays	43.02 44.03 44.04	Design and Development Overlay - Schedule 6 (Wangaratta Aerodrome – Obstacle Height Areas 1, 2 and 3) Flood Overlay Land Subject to Inundation Overlay
Particular Provisions	52.02 56.07 56.07-2 56.07-3 56.07-4	Easements, Restrictions and Reserves Drinking water supply objectives Reused and recycled water objective Wastewater management objective Storm water management objectives
Decision Guidelines		Decision Guidelines

	65.01	Approval of an application or plan
	65.02	Approval of an application to subdivided

Referrals

Authority / Department	Response
NECMA	<p>Conditional Consent</p> <p>Pursuant to Section 56(1)(b) of the Planning and Environment Act 1987, the North East CMA does not object to the granting of a permit for amendment of the building envelope on existing Lot 10 subject to the following condition:</p> <ul style="list-style-type: none"> The amended envelope shall be constrained to land with an existing surface level above RL 148.4 m AHD
North East Water (NEW)	No objection

Internal Advice

Department	Response
Technical Services	Conditional consent.
Environment	Conditional consent.

Background

This report has been written in response to an application for a planning permit being subject to more than five objections. The Rural City of Wangaratta instrument of delegation does not afford officers delegation to determine the application.

Implications

Policy Considerations

Council's local planning policies (given effect by the Wangaratta Planning Scheme) are of relevance to this report. These policies are considered and addressed within this report and in the officer's report at **Attachment 1**.

Financial Implications

There are no specific financial implications to Council arising from this report though there may be potential costs for Council representation at the Victorian Civil Administrative Tribunal (VCAT).

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 and Equity Impact Assessment (EIA)

There are no specific social or Equity impacts identified for the subject of this report. However the nature of the proposal and assessment may have indirect social impacts. These impacts

principally pertain to the amenity of the area and neighbourhood character. These matters are considered as part of this report and the officer's assessment at **Attachment 1**.

Environmental/Sustainability Impacts

The potential environmental impacts are considered as part this report and the officer's assessment at **Attachment 1**.

Strategic Links

Council Plan 2021 – 2025

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

3.Valuing our Environment

- 3.1 Build environmentally sustainable communities.
- 3.3 Actively combat the causes and impacts of climate change.
- 3.4 Healthy and protected waterways and access to water.

6. Growth

- 6.1 The right growth in the right areas.
- 6.2 Sustainable infrastructure that supports new growth.
- 6.2.2 Provide an efficient and effective permit system.

Rural City of Wangaratta 2033 Community Vision

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

- L2 Facilitate design and development that creates environmentally supportive impacts.
- O2 Look after our rivers and waterways.
- CC1 Ensure decision making upholds a balance between environmental sustainability, the need for development and acknowledges risks to the landscape.
- BB1 - Ensure new development is facilitated and does not conflict with existing land uses.
- BB2 - Provide an efficient and effective permit system.

Other strategic links

Rural City of Wangaratta Low Density and Rural Residential Strategy.

Risk Management

Risk Management Framework

Risks	Likelihood	Consequence	Rating	Mitigation Action
Permit applicant lodges an appeal at VCAT	Possible	Minor	Low	Representation of Council Officer at VCAT.
Third party objector/s lodge an appeal at	Possible	Minor	Low	Representation of Council Officer at VCAT.

VCAT				
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Consultation/Communication

Public notice was carried out by Council in accordance with Section 52 of the Planning and Environment Act 1987. Notice was given in the form of letters to adjoining and adjacent owners and occupiers and all beneficiaries of the Section 173 agreements on the title.

A total of five objections were received. A detailed summary of objections and officer's response is contained in **Attachment 1**.

The application was re-advertised following the withdrawal of the concurrent application and none of the original objections were withdrawn.

The grounds of objection include -

- development of a dwelling on Lot 2
- drainage issues
- environmental concerns
- traffic

Options for Consideration

1. Council issue a Notice of Decision to Grant a Permit subject to conditions. (as recommended)
7.
2. Council issue a Notice of Refusal to Grant a Permit (not recommend).

Conclusion

The application seeks approval for a Two Lot Re-Subdivision and variation of a restriction.

Consideration and assessment of the application has been made against the Act and Wangaratta Planning Scheme and it is considered that the proposal is an appropriate response to the purpose, objectives, policies and decision guidelines relevant to this application.

All submissions have been considered and whilst many concerns raised have merit, the withdrawal of the concurrent application largely resolves Objector concerns. It is therefore recommended that a Notice of Decision to Grant a Planning Permit be issued with appropriate conditions, as outlined in **Attachment 1**.

8. Having undertaken an assessment of the application against the Wangaratta Planning Scheme and having considered submissions to the proposal, officers are of the view that the application is suitable for support (refer to **Attachment 1** for detailed assessment).

It is recommended that a Notice of Decision to Grant a permit (subject to conditions) be issued.

Attachments

- 1 Planning Permit Application 22/136 - Officer's report 
- 2 Planning Permit Application 22/136 - Proposed Subdivision 

16. Special Committee Reports

Nil

17. Advisory Committee Reports

Nil

18. Minutes of Advisory Committee Meetings

Nil

19. Notices of Motion

Nil

20. Urgent Business

21. Public Question Time

21.1	<p>Question taken on notice at Scheduled Council Meeting 12 December 2023:</p> <p>Does Council follow the Parks Victoria River Red Gum Parks Management Plan of 2018?</p> <p><i>Director Marcus Goonan responded: The Council doesn't follow the Victoria River Red Gum Park Management Plan in managing Merriwa Park. Merriwa Park is covered by the Urban Tree Plan (and the Merriwa Park Master Plan) adopted by the Council earlier this year.</i></p>
21.2	<p>Brian Fox (32:25)</p> <p>Question: I would like to ask you, Mr Mayor, to ask the CEO to change the format of the agenda and list all of the Councillor's names, and their portfolios, and during the course of the meeting, if you would ask each Councillor individually do they have anything to report on their portfolio.</p> <p><i>Mayor Dean Rees responded: thank you Mr Fox, I will certainly talk to the CEO in relation to that, but I will say that all Councillors have the ability to talk at any time throughout the meeting on any subject that is recommended. We also have areas with relation to notices of motion, etc, that Councillors are certainly allowed to raise and bring up at any time. Are they allowed to talk in the early part of the agenda about situations within their portfolios? They are always allowed to, and we highly recommend them to. They do a lot of work outside of the council meetings to resolve issues and situations and use their portfolios through that that probably don't need to be reported on, but they are certainly welcome to do so at any stage.</i></p>
21.3	<p>John Griffiths (34:20)</p> <p>Questions relating to signs. There has been some improved signage out on the Snow Road.</p> <p>The sign for Oxley – is there a mistake in saying that Oxley has been named by the explorers Hume Hovell? In my view, there was not a town Oxley existing at that time, so they couldn't name such a town. What they actually did, I believe, is they just named the area as Oxley Plains, and I just think it's a little bit confusing to say that they did name Oxley.</p> <p><i>Mayor Dean Rees responded: John we'll take that under advisement and have a look into it. Councillor Bussell, you wouldn't have any information on that would you at all, being a great southern man out there in the southern ward?</i></p> <p><i>Councillor Harry Bussell responded: happy to look into it.</i></p> <p><i>Director Marcus Goonan responded: thanks for the question, John. Originally there was going to be no finger boards, which are basically those boards underneath that sign. We had quite a bit of feedback from the community that they would like the fingerboards replaced with exactly what was on the original sign, so that's actually the wording from the original sign. Happy to check into whether that's actually correct or not, but it is actually the wording of the original sign.</i></p>

	<p>1) The Markwood sign has been placed on the wrong side of forest lane. To me, you're coming from Melbourne side, from Milawa, you cross over Forest Lane, and about 100 metres down, then you get to the sign for Markwood. Forest Lane is the entry point for a tip, or whatever you want to call it these days, and obviously people can drive past and miss the tip, so to me, the sign needs to be moved to the other side of Forest Lane.</p> <p><i>Mayor Dean Rees responded: thank you John, good question, we'll also take that under advisement. I can't remember, it's obviously on the same side as Forest Lane, it's not on the left side of the road it's on the right side?</i></p> <p><i>John: it's on the left side because that's where you'd be driving, but you go past Forest Lane and you meet I think Andrew Gibbs, he's got a whole lot of steam engine equipment, and right opposite where he is, that's where the sign is, and you've already passed Forest Lane.</i></p> <p><i>Mayor Dean Rees responded: thank you John, we'll take that under advisement and look into it.</i></p>
21.4	<p>Anne Dunstan (38:15)</p> <p>Question: My question relates back to the community Fair Access Policy, now that it's been passed, this is directed at Councillor Herry, seeing community engagement is your portfolio, how are you going to communicate with these sporting clubs this draft policy that's been submitted for review, because as someone who is highly involved in sport, I'm the president of the Hockey Albury Wodonga association, so it's a very very intensive role and I spend more than 40 hours as a volunteer each week doing that, we go through the processes constantly for grants, we have fair access play, we take pride in our sports grounds, we create really really safe environments and one of the problems that we have is the council that we operate under, in the Albury Wodonga region, has created a very similar policy to this that has actually made our facility toilets more un-user friendly than when they were before we started, so it's really important that you're getting out to all of these community groups to actually touch base with them and explain to them what the consequence of this policy actually is.</p> <p>What are you (Cr Herry) personally going to do to engage as the [portfolio representative] of community engagement? You deferred it to your sport and rec team, but you personally hadn't answered the question.</p> <p><i>Cr Jack Herry responded: I will tell constituents and talk to constituents about it and engage with it as I do with other issues, I'm not going to necessarily do any specific initiative myself personally on this item.</i></p> <p>Have you been in a sporting facility where you have had the onerous task of having to meet all these stringent requirements that are part of application and funding processes?</p> <p><i>Cr Jack Herry responded: no, I haven't. I have been a part of other community organisations and have dealt with similar obligations and hoops that you have to jump through, certainly, yeah, I am sympathetic of that.</i></p>

22. Confidential Business

Resolution:

(Moved: Councillor D Fuller/Councillor I Grant)

That Council resolves to close the meeting to members of the public in accordance with Division 3(1) of the Local Government Act 2020 to consider the following items:

22.1 Confidential - Tender Cost - FOGO Acceptance and Processing Services

Item 22.1 is Confidential under the Local Government Act 2020 as it contains information relating to : (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

Carried

Dean Rees left the meeting at 06:44 pm.
Jack Herry left the meeting at 06:44 pm.
Irene Grant left the meeting at 06:44 pm.
David Fuller left the meeting at 06:44 pm.
Ashlee Fitzpatrick left the meeting at 06:44 pm.
Harry Bussell left the meeting at 06:44 pm.
Harvey Benton left the meeting at 06:44 pm.

Dean Rees returned to the meeting at 06:50 pm.
Jack Herry returned to the meeting at 06:50 pm.
Irene Grant returned to the meeting at 06:50 pm.
David Fuller returned to the meeting at 06:50 pm.
Ashlee Fitzpatrick returned to the meeting at 06:50 pm.
Harry Bussell returned to the meeting at 06:50 pm.
Harvey Benton returned to the meeting at 06:50 pm.

Resolution:

(Moved: Councillor D Fuller/Councillor A Fitzpatrick)

That Standing Orders be resumed.

Carried

23. Closure of Meeting

The Meeting closed at 6:51pm.