



Rural City of  
**Wangaratta**

# Agenda

For the Scheduled Council Meeting  
Whitfield Recreation Reserve  
Mansfield-Whitfield Road, Whitfield  
**6pm 26 March 2024**





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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

#### Recommendation:

That <<enter text>> be granted leave of absence for the period <<enter text>> to <<enter text>> .

## Order of Business

### 6. Citizen Ceremony

### 7. Confirmation of Minutes

#### Recommendation:

That Council read and confirm the Minutes of the Ordinary Meeting of 27 February 2024 as a true and accurate record of the proceedings of the meeting.

## 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. Corporate and Leisure

### 13.1 September and October Scheduled Council Meeting - Date Change

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	26 March 2024
Author:	Governance & Reporting Advisor
File No:	IC24/466

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 resolve to change the dates of both the September and October Scheduled Council Meetings.

September because of the Caretaker period coming into effect on Tuesday 24, September at 12:00pm.

October because Council is required under the Local Government Act to endorse its Annual Report by no later than 25 October 2024 for this year, being prior to the Local Government Election taking place on 26 October 2024.

Under 9.1(2) of Council's Governance Rules, Council may, by resolution or by the CEO directly, resolve to change the date, time or place of any Scheduled Council Meeting. A public notice to this effect must be provided as soon as practicable after the resolution.

#### Recommendation:

That Council changes the date of the:

1. September Scheduled Council Meeting to Monday 23 September at 6.00pm.
2. October Scheduled Council Meeting to Tuesday 22 October commencing at 6:00pm.

#### Attachments

Nil

### 13.2 2023/2024 Quarter 2 Forecast Review

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	26 March 2024
Category:	Strategic
Author:	Management Reporting Coordinator
Approver:	Director Corporate and Leisure

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

#### Executive Summary

This report is presented to Council to provide an update of Council's financial performance and anticipated full year financial position based on developments over Quarter Two of this financial year.

#### Recommendation:

That Council approves the 2023/2024 Quarter 2 Forecast Review, including:

1. The decrease in the projected full year accounting surplus from \$9.64m to \$7.69m.
2. The increase in capital works expenditure by \$1.53m to \$36.97m.
3. The Environmental Upgrade Agreement quarterly statement.

#### Background

Council has completed its second quarter financial reporting process to manage and monitor its financial performance against the 2023/24 Budget.

Council's Quarter 2 Forecast Report indicates decreases to the Accounting Surplus of \$1.95m and to the Adjusted Underlying Operating Result by \$5.70m. This was primarily driven by a conservative restatement of forecasted operating grant funding relating to Financial Assistance funds which will still be received but may fall into the 2024/25 financial year, and increases to Materials and Services relating to Facilities Maintenance costs.

Council's 2023/24 capital works expenditure has increased from \$35.43m to \$36.97m, a net increase of \$1.53m, impacted by expansion to existing projects as well as additional funding received for new capital projects.

#### Implications

Financial/Economic Implications Quarter 2 Forecast Review:

Rural City of Wangaratta	23/24 Adopted Budget	23/24 Adopted Q1 Full Year Forecast	23/24 Q2 Forecast Review	23/24 Q1 to Q2 Variance Fav/(Unfav)
31st January 2024	\$'000	\$'000	\$'000	\$'000
Income	86,556	88,927	89,982	1,055
Expenses	76,327	79,283	82,290	(3,007)
Accounting Surplus/(Deficit)	10,229	9,644	7,692	(1,952)
Add/(Less) Non-Operating	(10,061)	(10,529)	(14,275)	(3,746)
Adjusted Underlying Result	168	(885)	(6,584)	(5,699)
Capital Works Expenditure	32,462	35,433	36,966	(1,533)
Net Fav/(Unfav) Q2 Variance				(7,232)

The Chief Executive Officer is of the opinion that a revised budget is not required, pursuant to Section 97(3) of the Local Government Act 2020.

#### Accounting surplus - Unfavourable Decrease:

Council's forecasted Accounting Surplus decreased by \$1.95m largely due to an accounting adjustment relating to operating grants. These funds will still be received however may not fall into the FY24 financial year.

The decrease in the Adjusted Underlying Operating Result is the result of movements in Cash Contributions; Operating Grants; Capital Grants; Other Revenue; Employee Benefits; Other Expenses; and Materials & Services.

#### Operating Grants, net decrease \$3.83m:

- Reduction in expected Financial Assistance Grants due to uncertainty around the timing of payment and which financial year the funds will be recognised in, \$4.29m (funds will still be received and may be added back to the current year as a gain in future periods).
- Increased grant funding relating to the Ovens & Murray Multicultural Area Partnership, \$372k.

#### Capital Grants, net increase \$3.75m:

- Increase in funding relating to Showgrounds, \$1.6m. This favourable variance is attributed to newly secured, previously unexpected funding.
- Increase in funding relating to Prosecco Road, \$837k. This favourable variance is largely due to previously unexpected funding.
- New grant funding relating to Murray to Mountains Trail Enhancement, \$470k. This is new grant funding, which was not initially budgeted for.
- New grant funding relating to Federal Blackspot Program, \$325k. This favourable variance is largely due to previously unexpected funding.

#### Materials and Services, net increase \$1.71m:



- Increased Facilities costs resulting from an ongoing review of contract costs and significant price increases from suppliers. The adjustments from the original budget were made to better align expectations with invoices received, \$500k.
- Carry overs relating to Detour Road Irrigation Pipeline, \$294k.
- Increases to the Ovens & Murray Multicultural Regional Area Partnership, \$218k. This Project had not been originally budgeted for.
- Increases to reactive Arboriculture works due to significant weather events affecting trees, \$162k.

Contributions – Cash, net increase \$1.06m:

- Increased developer contributions, \$1.06m. This favourable variance is due to receiving previously unexpected developer contributions.

Other Expenses, net increase \$751k

- Increase in WIP write-offs relating to the review of current projects where it was identified that items were not capital in nature and recorded in a capital project \$751k.

Employee Benefits, net increase \$544k:

- Increased FTE for casual staff in Community Care to address increase in service provision due to increased funding (\$160k). School Crossing Supervisor Program (\$109k) mainly attributed to a reassessment of required hours, reflecting a more precise understanding of operational needs this program.
- Approval of Band 6 Safety role, \$85k.
- Unfavourable increase in expenditure due to extension of Future Proof YACVIC, \$48k

Other Revenue, net increase \$271k

- Increased interest income due to higher than anticipated cash balances and interest rates, \$150k.

Refer to the Income Statement in the Quarter 2 Forecast Review document (Attachment 1) for detailed commentary on the changes to Council's 2023/24 projected position.

**Capital Works**

Council's capital works expenditure has increased from \$35.43m to \$36.97m, a net increase of \$1.53m. The increase can be attributed to the expansion of the Murray to Maitlands Trail Enhancements (\$470k), increased contractor costs relating to the Prosecco Road Masterplan (\$346k), expenditure related to the additional funding for the Federal Blackspot program (\$325k), expansion of organics processing facility (\$200k) and Wangaratta Netball Courts (\$117k).

Year-to-date delivery of the Capital Works Program is \$17.75m, with a further \$11.42m of commitments in place.

**Balance Sheet**

Council's working capital is in a strong position at 319% due to a high cash position from grant funding received in advance.

The second rates instalment was due in November and rates receivables continue to progress well with outstanding rates for the year of \$19m as of 31 January 2024.

**Environmental Upgrade Agreements – Quarterly Statement**

Environmental Upgrade Agreements provide funding for sustainability or climate adaptation building upgrades. Under these loans, a lender provides finance to the property owner for the upgrade and repayment of the loan is administered through Council rates.

Section 181G of the Local Government Act 1989 requires that Council prepares a quarterly statement in respect of Environmental Upgrade Agreements.

There are two active Environmental Upgrade Agreements in operation with a total value of \$57,048.33. Charges due this year total \$4,360.68. Total payments of \$1,090.17 fell due this quarter, which were paid in full. The Balance outstanding at the end of the quarter is \$45,892.52.

#### **Legal/Statutory**

In accordance with section 94 of the Local Government Act 2020 (the Act), Council must prepare a budget for each financial year. Additionally, section 101 of the Act requires Council to apply principles of sound Financial Management. Section 97 of the Act requires the Chief Executive Officer, at least every three months, to prepare a statement comparing the budgeted financial performance with the actual performance to date and present this report to Council.

Section 181G of the Local Government Act 1989 requires that Council prepares a quarterly statement in respect of Environmental Upgrade Agreements.

#### **Social**

Social benefits of the delivery of Council services and projects are outlined in the 2022/23 Budget and in the Council Plan 2021-25.

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

Council budgets for and delivers several projects that support its Environmental Sustainability Strategy. Refer to the Council Plan 2021-25 for further details.

### **Strategic Links**

#### **Council Plan 2021 – 2025**

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

##### **1. Strengthening our Leadership**

Undertake regular and transparent reporting against Council's Adopted Budget.

### **Risk Management**

#### Risk Management Framework

<b>Risks</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>	<b>Mitigation Action</b>
Poor performance against budget	M	M	M	Regular monitoring and reporting of the budget position

### Consultation/Communication

Consultation has been undertaken with Council Managers and the Corporate Management Team. Officers believe that appropriate consultation has occurred, and the matter is now ready for Council consideration.

### Options for Consideration

1. That Council endorses the Quarter 2 Forecast Review report – recommended.
2. That Council advises of any changes to the Adopted Budget and proposes an alternative recommendation for changes to the 2023/24 Budget.
3. That Council endorses the Environmental Upgrade Agreement quarterly statement.

### Conclusion

This report compares actual performance with Council's 2023/24 adopted Q1 Forecast, adopted by Council on 31 October 2023. Council's Quarter 2 Forecast Review continues to be based on the best estimates of the Organisation as to its financial outlook.

### Attachments

- 1 2023-24 Quarter 2 Finance Report [↓](#) 

## 14. Community and Infrastructure

### 14.1 Gambling Policy

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	26 March 2024
Category:	Strategic
Author:	Community and Recreation Coordinator
Approver:	Manager Community Services

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 adopt the Policy to Reduce Gambling Harm and Strategic Plan to Reduce Gambling Harm following exhibition. These documents have been reviewed and amended based on feedback received during the exhibition period.

Based on feedback on current best practice, the Gambling Policy has been renamed to shift its focus to the reduction of harm from gambling, and the Action Plan has been incorporated into a Strategic Plan that formalises the directions and actions in the original Action Plan.

#### Recommendation:

That Council:

1. Endorse the changes to the Gambling Policy and Gambling Policy Action Plan, now presented as the Policy to Reduce Gambling Harm and Strategic Plan to Reduce Gambling Harm.
2. Adopt the Policy to Reduce Gambling Harm and Strategic Plan to Reduce Gambling Harm.

#### Background

Council committed to reducing rates of gambling amongst the community in its Council Plan (2.4.6) and Community Vision (I6), specifically 2.4.6.1 Develop a Gaming Policy to guide decisions relating to gaming and gambling within our community. This action is also a Municipal Health and Wellbeing Commitment.

The draft Gambling Policy and draft Action Plan documents were endorsed for exhibition at the 31 October 2023 Council Meeting. Exhibition was then extended until end of January 2024, and in February 2024 community members and organisations made public submissions to the Councillors.

Based on these submissions a number of changes have been made to the draft Policy, clarifying priorities, including a commitment to join the Alliance for Gambling Reform, and changes to the titles of both documents to the Policy to Reduce Gambling Harm and Strategic Plan to Reduce Gambling Harm. A summary of changes and the submissions made are attached to this document.

### Implications

#### Policy Considerations

Council can approve or reject planning applications for new or additional Electronic Gaming Machines within Wangaratta through the Municipal Planning Scheme.

The development of this document is a commitment in the Municipal Health and Wellbeing Plan as part of our Council Plan

#### Financial/Economic Implications

While there are no direct financial implications from this policy, there is a commitment to join the Alliance for Gambling Reform, and a need to ensure staff capacity to deliver on the commitments within the plan.

Additionally spend on Electronic Gaming Machines (EGMs) in Wangaratta is at an all time high, with over \$29k being spent per day. These costs, and the on-costs to gambling addiction, losses and harm, have a significant impact on the Wangaratta community.

#### Legal/Statutory

Gambling is a legal form of entertainment controlled by legislation.

#### Social and Diversity

Research indicates gambling losses are higher in areas of relative social economic disadvantage, indicating that arising harm impacts communities and individuals who are least able to cope or to recover.

Men in Victoria are more likely to be problem gamblers when compared to women. Men are more likely to use Electronic Gaming Machines than women.

Family violence is three times more likely to occur in families in which there is problem gambling than in families in which there are no gambling problems. Documented harm from problem gambling also includes suicide, depression, relationship breakdown, lowered work productivity, job loss, bankruptcy and crime.

For each person with a gambling problem, several others are affected. It is estimated that the harm experienced by each person categorised as a problem gambler in Victoria impacts between seven to 10 other people, most notably friends, families and employers

#### Equity Impact Assessment (EIA)

An Equity Impact Assessment was completed on this policy and is attached

### Environmental/Sustainability Impacts

The action plan looks to improve the financial sustainability of clubs and organisations that depend on gambling or venues with gambling facilities as revenues.

### Strategic Links

#### Council Plan 2021 – 2025

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

#### 1. Nurturing our Wellbeing

2.4.6.1 Develop a Gaming Policy to guide decisions relating to gaming and gambling within our community.\*

2.4.6.2 In collaboration with key community organisations, advocate to other levels of Government for best practice gambling regulation and policy reform that reduces the harms associated with gambling.\*

2.4.6.3 Partner with local services, community leaders and community and business organisations to inform the community about the health risks of gambling.\*

#### Rural City of Wangaratta 2033 Community Vision

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

I6 Reduce rates of gambling amongst the community.

### Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Community may expect additional action to reduce gambling.	Unlikely	Minor	4-Low	Council has limited capacity to impact forms of gambling other than EGMs and the social policy outlined. Ensure that the context of working with partners and within the confines of the strategy is clear
Venues with EGMs or gambling may be concerned about partnerships with Council	Possible	Minor	5-Medium	Consultation with venues prior to going to draft was completed with the opportunity to give further feedback and caveats for the ways Council works with venues included

### Consultation/Communication






During the Exhibition period there were a total of 22 submissions  
Connect Wangaratta – 14 submissions, 3 that overlapped with direct submissions making a total of 11 unique Connect submissions  
Direct submissions to council (email or letter) - 11  
3 community members, and 2 community based organisations presented to council on their submissions in further details.

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

### Options for Consideration

1. That Council adopt the Policy and Strategic Plan as presented
2. That Council request further changes to the documents

### Attachments

- 1 Policy to Reduce Harm from Gambling [↓](#) 
- 2 Strategic Plan to Reduce Harm from Gambling [↓](#) 
- 3 Gambling Policy Submissions [↓](#) 
- 4 Summary of Changes [↓](#) 
- 5 Gender Impact Assessment [↓](#) 

## 15. Sustainability and Culture

### 15.1 Planning Application 23/064 - 121 Templeton Street, Wangaratta - Demolition of an existing dwelling and associated outbuildings, buildings and works for the construction of two dwellings, 2-lot subdivision, vegetation removal and replacement of a front fence

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	26 March 2024
Author:	Planning Coordinator
File No:	IC24/207

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 inform a decision for Planning Application PlnApp23/064, which has been referred to Council for determination as the application received 5 objections.

The application seeks approval for the demolition of an existing dwelling and associated outbuildings, buildings and works for the construction of two dwellings, 2-lot subdivision, vegetation removal and replacement of a front fence at 121 Templeton Street Wangaratta. The key planning issues discussed relate to heritage impacts, neighbourhood character, amenity, and overdevelopment.

Having undertaken an assessment of the application against the *Planning and Environment Act 1987* and the Wangaratta Planning Scheme and having considered public submissions to the proposal and responses from referrals, officers are of the view that the application is not consistent with the Wangaratta Planning Scheme. A full assessment is included at **Attachment 1**.

#### Recommendation:

That Council:

1. Issue a Notice of Refusal for the demolition of an existing dwelling and associated outbuildings, buildings and works for the construction of two dwellings, 2-lot subdivision, vegetation removal and replacement of a front fence at 121 Templeton Street Wangaratta, on the grounds contains in **Attachment 1**; and
2. Advises the applicant and submitters of the decision.

#### Property Details

#### Background



The application seeks approval for the demolition of an existing dwelling and associated outbuildings, buildings and works for the construction of two dwellings, 2-lot subdivision, vegetation removal and replacement of a front fence at 121 Templeton Street Wangaratta. The application is described in detail in the Officer's Report at **Attachment 1** and the proposed development plans at **Attachment 2**.



*Aerial image of the subject site in context with the surrounding area*

The subject site is located on the southern side of Templeton Street, immediately south of the private hospital. The subject site is a rectangular parcel of land with a land area of 883sqm. The site currently contains a single storey detached dwelling. A detailed description of the site and surrounds is included in the Officer's Report at **Attachment 1**.



*Streetscape image of the subject site (white dwelling with red iron sheeting roof) with neighbouring dwellings.*

The application was referred to Council's Heritage Advisor, who objected to the issue of a permit, due to height and visual bulk concerns that would detrimentally impact on the heritage character of the streetscape.

The application was advertised via letters to adjoining and surrounding landowners and occupiers. A total of 5 objections were received. The grounds of objection included:

- The proposal does not represent a sympathetic design response to the heritage streetscape and is inconsistent with the development pattern of the area.
- The proposal would detrimentally impact the heritage significance of contributory buildings adjacent to the site and would disrupt the heritage values of the streetscape.
- The proposal is an overdevelopment of the site and inconsistent with local policy seeking to limit infill development within the area.

Objections are discussed in more detail in the Officer's Report at **Attachment 1**, including a summary of the issues raised and officer's responses.

### Summary of Key Issues

The key issues relevant to this application, including matters raised in objections, are as follows:

- The proposal is not consistent with state and local heritage policies of the Wangaratta Planning Scheme.
- The proposal is not consistent with the purpose and decision guidelines of the Heritage Overlay, particularly the HO16 precinct.
- The proposal is not consistent with the purpose of the Neighbourhood Residential Zone – Schedule 1 which seeks to protect single storey neighbourhoods.
- The proposal is not consistent with local strategic policies that identify the HO16 precinct and Neighbourhood Residential Zone – Schedule 1 area as a limited change residential area.
- The proposal has not demonstrated that safe parking and vehicle access can be achieved by the design.

### Assessment under the Planning and Environment Act

A detailed assessment of the application against the relevant policies and provisions of the Wangaratta Planning Scheme and the *Planning and Environment Act 1987* (the Act) is included at **Attachment 1**.

### Planning Policy Framework, Zoning, Overlays, and Particular and General Provisions

Section	Clause	Provision
Planning Policy Framework and Municipal Planning Strategy	02.03-5 15.01-1S 15.01-2S 15.01-3S 15.01-5S 15.01-5L 15.03-1S 15.03-1L 16.01-1L	Built form and heritage Urban design Building design Subdivision design Neighbourhood character Neighbourhood character Heritage conservation Heritage places and precincts Housing supply
Zone	32.09	Neighbourhood Residential Zone – Schedule 1
Overlay	43.01	Heritage Overlay – HO16
Particular Provisions	52.06 53.01 55 56	Car parking Public open space contributions Two or more dwellings on a lot Residential subdivisions
Decision Guidelines	65.01	Decision Guidelines - Approval of an Application or Plan

### Referrals

Advice from the following external authorities and internal Council units was sought in the assessment of the application:

Unit	Reason advice sought	Response
North East Water	Sewer and water capacity	Conditional consent
Technical Services	Access and drainage	Conditional consent
Heritage Advisor	Heritage comments	Objection

### 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/Economic 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 Diversity

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

Environmental and sustainability matters considered in this report include overshadowing and sustainable design.

### Strategic Links

#### Council Plan 2021 – 2025

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

#### 4. Expanding our Economy

4.2 Support employment through business growth, development, and recovery

#### Rural City of Wangaratta 2033 Community Vision

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

BB1 - Ensure new development is facilitated and does not conflict with existing land uses.

BB2 - Provide an efficient and effective permit system.

### Risk Management

It is not considered that there are any relevant risks to Council beyond those associated with standard statutory process (such as any decision being appealed at VCAT).

#### Risk Management Framework

Risks	Likelihood	Consequence	Rating	Mitigation Action
Notice of Decision (NOD) Issued – Third party/objector appeal of decision or conditions at VCAT	Possible	Minor	Low	Officer representation of Councils decision at VCAT
NOD Issued – Applicant appeal of conditions at VCAT	Possible	Minor	Low	Officer representation of Councils decision at VCAT

Application Refused – Applicant appeal of decision at VCAT	Possible	Minor	Low	Officer representation of Councils decision at VCAT
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### Consultation/Communication

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

### Public Notice

The application was advertised to adjoining and surrounding landowners and occupiers. 5 objections were received. The application was advertised in June/July 2023, with the last version of revised drawings (including at **Attachment 2**) circulated to all submitters in January 2024.

### Options for Consideration

1. Issue a Notice of Refusal to Grant a Permit, subject to grounds as per recommendation.
2. Issue a Notice of Decision to Grant a Permit.

### Conclusion

The application seeks approval for the demolition of an existing dwelling and associated outbuildings, buildings and works for the construction of two dwellings, 2-lot subdivision, vegetation removal and replacement of a front fence at 121 Templeton Street Wangaratta. The proposal has raised a number of matters for consideration and has resulted in a number of objections to the application, with the objections particularly focusing on how the proposal would detrimentally impact on the heritage values and character of the Templeton Street area.

Consideration and assessment of the application has been made against the Act and the Wangaratta Planning Scheme, and it is considered that the proposal is not an appropriate response to the purpose, objective, policies and decision guidelines relevant to this application. The proposal is located within an area designated for limited change, with identified heritage values for the streetscape. The proposal has not sought to appropriately and sympathetically respond to those identified heritage values and represents an overdevelopment of the site.

Council sought to provide design solutions that would assist in bringing the proposal in line with the heritage values of the precinct and streetscape, although these were not adopted by the proponent. Ultimately, the proposal represents a disorderly planning outcome within the Neighbourhood Residential Zone – Schedule 1 and Heritage Overlay (HO16). All submissions have been considered and the concerns are considered to have merit and strong enough to warrant a refusal of the application. It is therefore recommended that a Notice of Refusal is issued, subject to the grounds outlined at **Attachment 1**.

### Attachments

- 1 Officer's Report - 121 Templeton Street Wangaratta [!\[\]\(3d0946c14414af438def0008e8322b30\_img.jpg\)](#) 
- 2 Proposed plans - 121 Templeton Street Wangaratta [!\[\]\(56451d82e6dfba768ba6cc341b9dc91e\_img.jpg\)](#) 

## 15.2 Planning Permit Application 23/167 - 64 Grahams Lane, Hansonville - 2 Lot Re-Subdivision

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	26 March 2024
Author:	Principal Planner
File No:	IC24/291

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 inform a decision for Planning Application PlnApp23/167, which was called into Council for a determination on 05 February 2024.

The application seeks to re-subdivide two existing lots to effectively excise an existing dwelling at 64 Grahams Lane Hansonville. The key planning issues discussed relates to the protection of productive agricultural land, the fragmentation of agricultural land, the proliferation of dwellings in the Farming Zone and land use conflicts with rural lifestyle properties.

Having undertaken an assessment of the application against the *Planning and Environment Act 1987* and the Wangaratta Planning Scheme, officers are of the view that the application is not consistent with the Wangaratta Planning Scheme. A full assessment is included at **Attachment 1**.

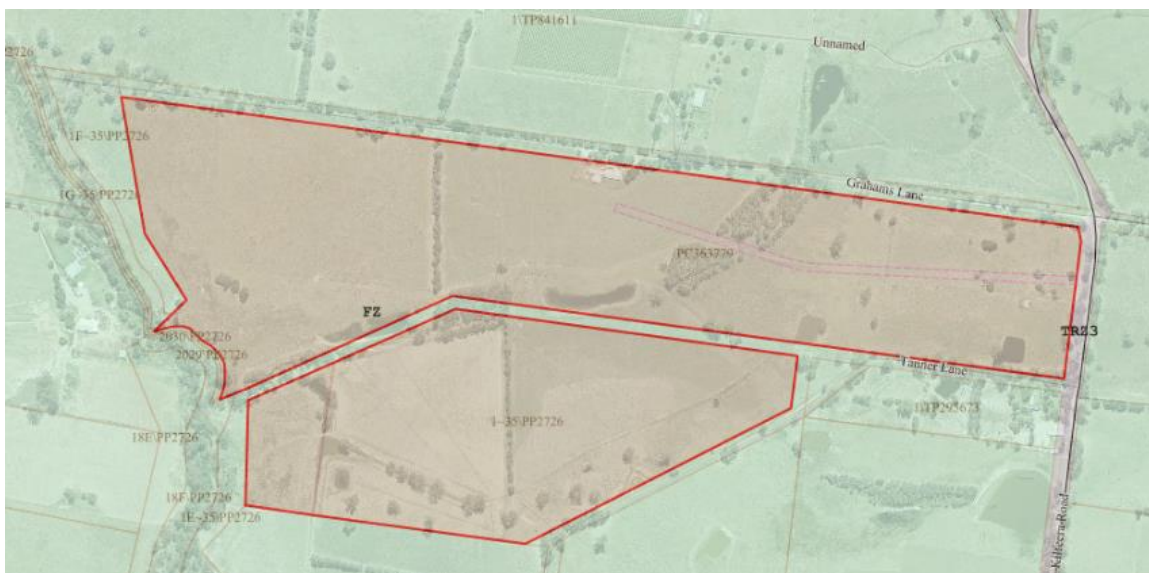
### Recommendation:

1. The Council issue a Notice of Refusal for a 2-lot re-subdivision at 65 Grahams Lane Hansonville, on the grounds contained at **Attachment 1**; and
2. Advises the applicant of the decision.

### Property Details

The application seeks approval for a 2-lot re-subdivision of the land at 64 Grahams Lane Hansonville. The application is described in detail in the Officer's Report at **Attachment 1** and the Planning Report forming part of the application at **Attachment 2**. A copy of the proposed plan of subdivision is included at **Attachment 3**.





The subject site is located on the western side of Wangaratta-Kilfeera Road. The subject site consists of two title allotments, with the land containing one dwelling. A detailed description of the site and surrounds is included in the Officer's Report at **Attachment 1**.

The application was referred to Ausnet, Goulburn Murray Water and Council's Technical Services Unit, who did not object to the application. Further, no objections were received to the application during the advertising period.

### Summary of Key Issues

The key issues relevant to this application are as follows:

- Protection of agricultural land
- Fragmentation of agricultural land
- Proliferation of dwellings in the Farming Zone
- Land use conflicts with rural lifestyle properties
- Personal circumstances and long-term implications of the proposal

### Assessment under the *Planning and Environment Act 1987* and Wangaratta Planning Scheme

A detailed assessment of the application against the relevant policies and provisions of the Wangaratta Planning Scheme and the *Planning and Environment Act 1987* (the Act) is included at **Attachment 1**.

### Planning Policy Framework, Zoning, Overlays, and Particular and General Provisions

Section	Clause	Provision
Planning Policy Framework and Municipal Planning Strategy	02.03-4 14.01-1S 14.01.01L 16.01-1L 16.014-3S	Agriculture Protection of agricultural land Dwellings and subdivisions in rural areas Housing supply Rural residential development
Zone	35.07	Farming Zone
Decision Guidelines	65.02	Decision Guidelines - Approval of an Application to subdivide land

### Referrals

Authority / Department	Response
GMW	Conditional consent.
AusNet	Conditional consent.

### Internal Advice

Department	Response
Technical Services	Conditional consent.

### 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/Economic 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 Diversity

There are no specific social or diversity impacts identified for the subject of this report. Personal circumstances outlined in the application are considered as part of this report and the officer's assessment at **Attachment 1**.



## Environmental/Sustainability Impacts

Environmental and sustainability matters considered in this report include wastewater management and waterway health.

### Strategic Links

#### Council Plan 2021 – 2025

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

#### 4. Expanding our Economy

4.2 Support employment through business growth, development, and recovery

#### Rural City of Wangaratta 2033 Community Vision

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

BB1 - Ensure new development is facilitated and does not conflict with existing land uses.

BB2 - Provide an efficient and effective permit system.

### Risk Management

It is not considered that there are any relevant risks to Council beyond those associated with standard statutory process (such as any decision being appealed at VCAT).

#### Risk Management Framework

Risks	Likelihood	Consequence	Rating	Mitigation Action
Notice of Decision (NOD) Issued – Third party/objector appeal of decision or conditions at VCAT	Possible	Minor	Low	Officer representation of Councils decision at VCAT
NOD Issued – Applicant appeal of conditions at VCAT	Possible	Minor	Low	Officer representation of Councils decision at VCAT
Application Refused – Applicant appeal of decision at VCAT	Possible	Minor	Low	Officer representation of Councils decision at VCAT

### Consultation/Communication

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

#### Public Notice

The application was advertised to adjoining and surrounding landowners and occupiers. No objections were received.

### Options for Consideration

1. Issue a Notice of Refusal as per recommendation.
2. Issue a Planning Permit.

### Conclusion

The application seeks approval for a 2-lot re-subdivision to effectively excise the existing dwelling at 64 Grahams Lane Hansonville. The proposal has raised a number of matters for consideration including policy objectives of agricultural policy and the purpose of the Farming Zone, and that personal circumstances are immaterial to the assessment of any planning application.

Consideration and assessment of the application has been made against the Act and the Wangaratta Planning Scheme, and it is considered that the proposal is not an appropriate response to the purpose, objectives, policies and decision guidelines relevant to this application. The proposal is within an agricultural area and would result in the introduction of a rural lifestyle property that conflicts with the purpose of the zoning and the potential for the continuation and expansion of agricultural activities in the area.

Ultimately, the proposal cannot demonstrate compliance with the Wangaratta Planning Scheme and should not be supported. It is therefore recommended that a Notice of Refusal is issued on the grounds outlined in **Attachment 1**.

### Attachments

- 1 64 Grahams Lane Hansonville - Officers report [↓](#) 
- 2 64 Grahams Lane Hansonville - Planning Report (Applicant) [↓](#) 
- 3 64 Grahams Lane Hansonville - Proposed re-subdivision [↓](#) 

### 15.3 Planning Permit Application 23/201 - 352 Shanley Street, Wangaratta South - Use and development of an office and accommodation building ancillary to an existing rural store

Meeting Type: Scheduled Council Meeting  
Date of Meeting: 26 March 2024  
Author: Planning Coordinator  
File No: IC24/292

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 inform a decision for Planning Application PInApp23/201, which has been referred to Council for determination as the application received 21 objections.

The application seeks approval for the use and development of the land for an office and accommodation building ancillary to an existing rural store at 352 Shanley Street Wangaratta South. The key planning issues discussed related to land use compatibility, the nature of the rural store land use, traffic and amenity management, and potential environmental issues.

Having undertaken an assessment of the application against the *Planning and Environment Act 1987* and 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**.

#### Recommendation:

That Council:

1. Issue a Notice of Decision to Grant a Planning Permit for the use and development of the land for an office and accommodation building ancillary to an existing rural store at 352 Shanley Street Wangaratta South, subject to the conditions contained at **Attachment 1**; and
2. Advises the applicant and submitters of the decision.

#### Background

The application seeks approval for the use and development of the land for an office and accommodation building ancillary to an existing rural store at 352 Shanley Street Wangaratta South. The application is described in detail in the Officer's Report at **Attachment 1** and the proposed development plans at **Attachment 2**.



The subject site is located on the northern side of Shanley Street, approximately 240m from the intersection of Shanley Street and Warby Range Road. The subject site is a rectangular parcel of land with a land area of approximately 16ha, and currently contains four outbuildings on the land.

Two outbuildings are used for agricultural (land management) purposes, whilst two other existing structures are associated with the rural store (including a 6.1m x 2.4m cool room). The rural store is established on the land and operates to provide a cold storage function associated with a vermin control business that supports farming activities on other land. A detailed description of the site and surrounds is included in the Officer's Report at **Attachment 1**.

The application was referred to Council's Environmental Health Unit for comment on whether the existing septic system had capacity for the proposal. No concerns were raised, with conditional consent provided to the application.

The application was advertised via letters to adjoining and surrounding landowners and occupiers. A total of 21 objections were received. The grounds of objection include:

- Land use compatibility concerns with the existing rural store
- Ensuring that the accommodation is not used for personal purposes or associated with the motorcycle track
- Traffic management
- Amenity impacts from vehicles entering and exiting the site at night
- The legitimacy of the business
- Neighbourhood character
- Environmental concerns

Objections are discussed in more detail in the Officer's Report at **Attachment 1**, including a summary of the issues raised and officer's responses.

### Summary of Key Issues

The key issues relevant to this application, including matters raised in objections, are as follows:

- Land use compatibility and suitability of the proposal within the Farming Zone, and close to sensitive land uses
- Traffic management
- Neighbourhood character
- Environmental considerations

### Assessment under the *Planning and Environment Act 1987* and Wangaratta Planning Scheme

A detailed assessment of the application against the relevant policies and provisions of the Wangaratta Planning Scheme and the *Planning and Environment Act 1987* (the Act) is included at **Attachment 1**.

### Planning Policy Framework, Zoning, Overlays, and Particular and General Provisions

Section	Clause	Provision
Planning Policy Framework and Municipal Planning Strategy	02.03-4	Agriculture
	13.07-1S	Land use compatibility
	14.01-1S	Protection of agricultural land
	14.02-2S	Water quality
	14.02-2L	Water quality
	17.01-1S	Diversified economy
	17.01-1R	Diversified economy - Hume
Zone	35.07	Farming Zone
Decision Guidelines	65.01	Decision Guidelines - Approval of an Application or Plan

### Internal Advice

Advice from the following Council units was sought in the assessment of the application:

Unit	Reason advice sought	Response
Environmental Health	Wastewater management and accommodation	Conditional consent

### 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/Economic 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 Diversity

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

Environmental and sustainability matters considered in this report include wastewater management and waterway health.

### Strategic Links

#### Council Plan 2021 – 2025

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

#### 4. Expanding our Economy

4.2 Support employment through business growth, development, and recovery

#### Rural City of Wangaratta 2033 Community Vision

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

BB1 - Ensure new development is facilitated and does not conflict with existing land uses.

BB2 - Provide an efficient and effective permit system.

### Risk Management

It is not considered that there are any relevant risks to Council beyond those associated with standard statutory process (such as any decision being appealed at VCAT).

#### Risk Management Framework

Risks	Likelihood	Consequence	Rating	Mitigation Action
Notice of Decision (NOD) Issued – Third party/objector appeal	Possible	Minor	Low	Officer representation of Councils decision at VCAT

of decision or conditions at VCAT				
NOD Issued – Applicant appeal of conditions at VCAT	Possible	Minor	Low	Officer representation of Councils decision at VCAT
Application Refused – Applicant appeal of decision at VCAT	Possible	Minor	Low	Officer representation of Councils decision at VCAT

### Consultation/Communication

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

### Public Notice

The application was advertised to adjoining and surrounding landowners and occupiers. 21 objections were received. The application was advertised in December 2023 - January 2024, with the applicant's response to objectors (including at **Attachment 3**) circulated to all submitters in February 2024.

### Options for Consideration

1. Issue a Notice of Decision to Grant a Permit subject to conditions as per recommendation.
2. Issue a Notice of Refusal to Grant a Permit

### Conclusion

The application seeks approval for the use and development of the land for an office and accommodation building ancillary to an existing rural store. The proposal has raised a number of matters for consideration and has resulted in a number of objections to the application, with the objections particularly focusing on how the proposal would be managed, the existing rural store and its compatibility with neighbouring dwellings, environmental considerations and amenity.

Consideration and assessment of the application has been made against the Act and the Wangaratta Planning Scheme, and it is considered that the proposal is an appropriate response to the purpose, objective, policies and decision guidelines relevant to this application. The proposal is within suitable zoning, is associated with an existing rural store that was established as of right and is suitably located within the subject site so as to avoid detrimental impacts to the waterway. Further, amenity concerns can be appropriately dealt with via buffer planting around the proposed building to screen the development from the neighbouring dwellings to the west and south.

Ultimately, the proposal represents a permissible use and development within the Farming Zone and meets the objectives of the relevant policies. All submissions have been considered and whilst many concerns raised have merit or are otherwise valid, they are ultimately not strong enough to warrant a refusal of the application. It is therefore recommended that a Notice of Decision to Grant a Planning Permit be issued with appropriate conditions, as outlined in **Attachment 1**.

### Attachments

- 1 352 Shanley Street Wangaratta South - Officers Report [↓](#) 
- 2 352 Shanley Street Wangaratta South - Proposed Plans [↓](#) 
- 3 352 Shanley Street Wangaratta South - Applicant report [↓](#) 



## 16. Special Committee Reports

Nil

## 17. Advisory Committee Reports

### 17.1 Biannual Audit and Risk Report

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	26 March 2024
Author:	Governance & Reporting Advisor
File No:	IC24/525

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 note the Audit and Risk Committee's Biannual Audit and Risk Report.

#### Recommendation:

That Council notes the Biannual Audit and Risk Report attached to this report.

#### Background

##### Biannual Audit and Risk Report

Section 54(5) of the *Local Government Act 2020* (the Act) requires that the Audit and Risk Committee (the committee) prepare a biannual audit and risk report that describes the activities of the committee and includes its findings and recommendations.

To comply with this requirement, a biannual audit and risk report was produced for the period 1 July 2022 – 31 December 2022.

The attached biannual audit and risk report (**Attachment 1**) has also been presented at the 5 March 2023 Audit and Risk Committee meeting for endorsement. It is now presented to Council for noting.

#### Implications

##### Policy Considerations

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

##### Financial/Economic Implications

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

**Legal/Statutory**

Section 54(5) of the Act requires the Audit and Risk Committee to prepare a biannual audit and risk report and provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.

The Act requires that the Chief Executive Officer must table the biannual audit and risk report at the next Council meeting.

**Social and Diversity**

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.

**Conclusion**

The completion and tabling of the Audit and Risk Committee Biannual Audit ensures that the committee complies with the requirements of the *Local Government Act 2020* and that the committee's activities can be monitored by Council.

**Attachments**

- 1 Biannual Audit and Risk Report - 1 July - 31 December 2023 [↓](#) 

## 18. Minutes of Advisory Committee Meetings

### 18.1 Minutes of Advisory Committee Meetings

Meeting Type: Scheduled Council Meeting  
Date of Meeting: 26 March 2024  
Author: Councillor and Executive Services Support Officer  
File No: IC24/255

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

Minutes of Advisory Committee Meetings and committee reports are reported to Council for information (please refer attachments.)

Date	Meeting details	Refer
5 December 2023	Audit and Risk Committee	Attachment
6 December 2023	Sport and Recreation Advisory Committee	Attachment
7 February 2024	Sport and Recreation Advisory Committee	Attachment
5 February 2024	Arts and Culture Advisory Committee	Attachment

#### Recommendation:

That Council notes the minutes of these Advisory Committees.

#### Attachments

- 1 Audit and Risk Committee Minutes - 5 December 2023 [↓](#) 
- 2 Sport and Recreation Advisory Committee Minutes - 6 December 2023 [↓](#) 
- 3 Sport and Recreation Advisory Committee Minutes - 7 February 2024 [↓](#) 
- 4 Arts and Culture Advisory Committee Minutes - 5 February 2024 [↓](#) 

**19. Notices of Motion**

Nil

**20. Urgent Business**

**21. Public Question Time**

**22. Confidential Business**

Nil

**23. Closure of Meeting**  
**Attachments**

City of Wangaratta	23/24	23/24	23/24	23/24	Projected Full	Movement in	Commitments	23/24 YTD	23/24 YTD	YTD	YTD	Ref
	Adopted Budget	Projected Q1	Year Forecast	Year Forecast	Year Forecast	Monthly Forecasts		Actual	Budget	Variance Fav/(Unfav)	Variance	
		Full Year	Full Year	as at December	as at January	Budget Variance						
											%	
Income Statement as at 31st January 2024	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	%	
<b>Income</b>												
Rates and charges	40,623,228	40,621,790	40,621,790	40,523,747		(98,043)	(98,043)	-	40,378,622	40,418,056	(39,433)	(0%)
Statutory fees and fines												
User fees	1,432,000	1,429,128	1,429,436	1,379,635		(49,493)	(49,493)	-	593,446	630,947	(37,501)	(6%)
Contributions - cash	12,315,249	12,167,181	11,887,744	12,070,342		(96,839)	(96,839)	-	6,491,383	6,887,940	(396,558)	(6%)
Contributions - non-monetary	652,000	667,010	1,722,295	1,722,295				-	1,568,069	262,295	1,305,774	498%
Grants - Operating	1,700,000	1,700,000	1,700,000	1,700,000				-	-	-	-	-
Grants - Capital	18,734,738	20,480,403	20,514,561	16,651,425		(3,830,978)	(4,261,181)	-	8,423,252	7,111,911	1,311,341	16%
Other revenue	9,915,190	10,382,483	10,383,483	14,129,399		3,745,916	3,745,916	-	8,985,623	316,044	8,669,579	2743%
Reimbursements	90,000	100,000	160,000	147,573		47,573	(12,427)	-	178,256	71,019	107,238	151%
Net gain/(loss) on sale/disposal of PPE&I	1,158,450	1,441,104	1,687,614	1,712,071		270,966	24,456	-	1,405,692	953,322	452,370	47%
	(64,733)	(64,733)	(64,733)	(54,713)		10,000	10,000	(19,382)	(12,819)	54,202	(67,020)	(124%)
<b>Total Income</b>	<b>86,556,112</b>	<b>88,927,367</b>	<b>90,442,189</b>	<b>89,981,754</b>	<b>1,054,187</b>	<b>(460,435)</b>	<b>(19,382)</b>	<b>68,011,525</b>	<b>56,705,736</b>	<b>11,305,789</b>	<b>20%</b>	
<b>Expenses</b>												
Employee benefits	31,097,678	31,558,194	31,880,150	32,102,344		(544,150)	(213,195)	45,473	18,806,221	18,900,794	94,573	1%
Materials and services	26,629,191	28,958,948	31,127,010	30,672,523		(1,713,574)	454,488	3,206,769	16,478,251	18,159,105	1,680,854	9%
Depreciation and amortisation	17,425,000	17,425,000	17,425,000	17,425,000	(1)	0	0	9,651,566	10,051,582	400,016	4%	
Finance costs	612,496	612,496	612,496	619,850	1,646	1,646	364,827	999,374	360,049	(4,778)	(1%)	
Other expenses	563,105	728,105	723,474	1,478,448		(753,343)	(755,974)	115,216	448,777	(550,598)	(123%)	
<b>Total Expenses</b>	<b>76,327,470</b>	<b>79,282,744</b>	<b>81,777,130</b>	<b>82,290,165</b>	<b>(3,007,421)</b>	<b>(513,695)</b>	<b>3,967,457</b>	<b>46,300,239</b>	<b>47,926,317</b>	<b>1,626,078</b>	<b>3%</b>	
<b>Surplus / (deficit) for the year</b>	<b>10,228,642</b>	<b>9,644,623</b>	<b>8,665,059</b>	<b>7,691,589</b>	<b>(1,953,034)</b>	<b>(973,470)</b>	<b>(1,386,839)</b>	<b>21,711,285</b>	<b>8,785,419</b>	<b>12,925,866</b>	<b>147%</b>	
<b>Adjusted Underlying Operating Position</b>												
Grants - Capital (non-recurrent)	8,361,145	8,829,438	8,829,438	12,575,354		3,745,916	3,745,916	-	8,985,623	316,044	8,669,579	2743%
Contributions - non-monetary	1,700,000	1,700,000	1,700,000	1,700,000				-	-	-	-	-
<b>Total Adjustments</b>	<b>10,061,145</b>	<b>10,529,438</b>	<b>10,529,438</b>	<b>14,275,354</b>	<b>3,745,916</b>	<b>3,745,916</b>	<b>(3,386,839)</b>	<b>8,985,623</b>	<b>316,044</b>	<b>8,669,579</b>	<b>2743%</b>	
<b>Adjusted Underlying Operating Surplus/ (deficit) for the year</b>	<b>167,497</b>	<b>(884,815)</b>	<b>(1,664,370)</b>	<b>(6,598,575)</b>	<b>(5,608,059)</b>	<b>(4,715,300)</b>	<b>(3,386,839)</b>	<b>12,725,862</b>	<b>8,469,375</b>	<b>4,256,488</b>	<b>50%</b>	

<b>Notes</b>
<b>1. User Fees</b> User Fees are \$39.7k below YTD budget. This unfavourable variance is largely due to timing differences relating to Long Day Child Care Centre (\$220k), Home Care (\$59k) and WSAC Projects (\$82k).
<b>2. Contributions - Cash</b> Contributions - Cash are \$1.31m above YTD budget. This favourable variance is due to timing issues relating to developer contributions (\$1.31m).
Projected Full Year Forecast is \$1.06m above adopted budget. This favourable variance is due to receiving previously unexpected developer contributions (\$1.06m).
<b>3. Grants - Operating</b> Grants - Operating are \$1.31m above YTD budget. This favourable variance is largely due to timing differences relating to Community Care (\$594k) and Organics Processing (\$328k). Additional known variances from prior periods include timing differences relating to Strengthening Rural Communities (\$37.8k).
Grants - Operating Projected Full Year Forecast is \$3.83m below adopted budget. This unfavourable variance is largely due to a reduction in expected financial assistance grants by \$4.29m. This adjustment was made due to uncertainty of which financial year the payment will fall under and be recognised in. This movement was partially offset by an increase to grant funding relating to the Owens & Murray Multicultural Area Partnership (\$372k).
<b>4. Grants - Capital</b> Grants - Capital are \$8.67m above YTD budget. This favourable variance is largely due to timing differences relating to the Wangaratta Flood Mitigation Strategy (\$2.7m), Showgrounds Relief Centre (\$1.35m), Prosecco Road Masterplan (\$587k), Creative Precinct Masterplan (\$450k) and Sandford Road Upgrade (\$299k). Additional known variances from previous periods include timing differences relating to Local Roads and Community Infrastructure (\$980k) and Newman Street drainage (\$1.35m).
Grants - Capital Full Year Forecast is \$3.75m above adopted budget. This favourable variance is largely due to previously unexpected funding relating to Showgrounds Relief (\$1.6m), Prosecco Road (\$837k), Murray to Mountains Trail Enhancement (\$470k) & Federal Blackspot program (\$325k).
<b>5. Other Revenue</b> Other Revenue is \$452k greater than YTD Budget. This favourable variance is largely due to increased interest income (\$376k) as a result of higher than anticipated cash balances due to unspent capital and operating funding from 22/23. Other Revenue Projected Full Year Forecast is \$773k above adopted budget. This favourable variance has increased \$88.5k as a result of increased chargeable costs relating to tenants of the Government Centre. Additional known variances include increased interest income of \$150k as a result of higher than anticipated cash balances and rising interest rates.
<b>6. Employee Benefits</b> Employee Benefits Projected Full Year Forecast Employee Benefits is \$544k above adopted budget. This unfavourable variance is partially due to casuals being recorded at the incorrect FTE within the original budget estimate for Community Care (\$160k) and the School Crossing Supervisor Program (\$109k). Additional reasons include the extension of Future Proof YACVIC (\$48k) and approval of a 12 month Safety Band 6 Role (\$85k).
<b>7. Materials and Services</b> Materials and Services is \$1.68m below YTD budget. This favourable variance is largely due to timing differences relating to Bowser Landfill (\$316k), WSAC Projects (\$256k), Home Care (\$240k), Marketing & Branding (\$221k), Business Systems (\$210k), Parks & Gardens (\$96k), Plant & Fleet (\$83k).
Materials and Services Projected Full Year Forecast is \$1.71m greater than adopted budget. This unfavourable variance is largely due to increased facilities costs (\$500k) as a result of an ongoing review of costs in that area. This amount consists of increases to the original budget to better align with invoices received this year. Additional variances include carryovers relating to Detour Road Irrigation Pipeline (\$294k), increases to the Owens & Murray Multicultural Regional Area Partnership (\$218k) (offset by funding increase), increases to reactive Arboriculture works (\$182k).
<b>8. Other Expenses</b> Other Expenses is \$551k above YTD budget. This unfavourable variance is due to unexpected WIP write-offs (\$551k) in the current period. Other Expenses Projected Full Year Forecast is \$751k greater than adopted budget. This unfavourable variance is largely due to an increase in expected WIP write-offs (\$750k) as part of the ongoing assets clean up.

Rural City of Wangaratta	30 June 2022	30 June 2023	31st December 2023	31st January 2024	Variance Fav/(Unfav) C - B	Variance Fav/(Unfav) %	Ref
<b>Balance Sheet as at 31st January 2024</b>	\$	\$	B	C	\$	%	
<b>Assets</b>							
<b>Current assets</b>							
Cash and cash equivalents	40,513,290	39,232,472	19,322,080	14,798,089	(4,523,991)	(23%)	1
Rate receivables	992,940	1,502,471	19,918,798	19,030,084	(888,714)	(4%)	2
Other receivables - current	2,858,303	3,655,691	7,558,016	6,346,119	(1,211,897)	(16%)	3
Financial assets - current	10,000,000	-	10,000,000	10,000,000	0	0%	
Inventories	2,460	1,793	6,220	(4,419)	(10,639)	(171%)	
Assets held for sale	1,492,590	646,810	646,810	646,810	0	0%	
Other assets - current	1,269,643	1,253,383	533,383	472,034	(61,349)	(12%)	
Investments in associates	-	-	-	-	0	0%	
<b>Total Current assets</b>	<b>57,129,225</b>	<b>46,292,619</b>	<b>57,985,306</b>	<b>51,288,715</b>	<b>(6,696,591)</b>	<b>(12%)</b>	
<b>Non-current assets</b>							
Receivables non-current	-	-	-	-	-	0%	
Financial assets non-current	257,630	277,243	277,243	277,243	0	0%	
Property, plant and equipment and infrastructure	650,612,190	763,356,940	770,338,734	770,950,070	611,336	0%	4
Book collection	794,560	810,131	886,772	871,790	(14,983)	(2%)	
Intangible Assets - Landfill	902,279	2,662,367	2,662,367	2,662,367	0	0%	
Right of Use Assets	465,166	244,382	171,872	159,655	(12,216)	(7%)	
<b>Total Non-current assets</b>	<b>653,031,826</b>	<b>767,351,063</b>	<b>774,336,988</b>	<b>774,921,124</b>	<b>584,137</b>	<b>0%</b>	
<b>Total Assets</b>	<b>710,161,051</b>	<b>813,643,682</b>	<b>832,322,294</b>	<b>826,209,840</b>	<b>(6,112,454)</b>	<b>(1%)</b>	
<b>Liabilities</b>							
<b>Current liabilities</b>							
Payables - current	21,489,765	12,107,713	4,107,181	2,811,997	1,295,183	32%	5
Trust funds and deposits	2,101,642	2,783,380	4,903,286	4,862,232	41,053	1%	
Provisions - current	6,314,079	6,411,466	6,671,237	6,416,853	254,484	4%	
Interest bearing loans and borrowings - current	2,683,154	2,628,232	1,320,565	1,320,565	0	0%	
Lease liabilities - current	222,322	151,313	75,657	63,047	12,609	17%	
<b>Total Current liabilities</b>	<b>32,810,963</b>	<b>24,082,104</b>	<b>17,078,025</b>	<b>15,474,695</b>	<b>(1,603,330)</b>	<b>(9%)</b>	
<b>Non-current liabilities</b>							
Provisions non-current	24,039,261	16,171,858	15,625,629	15,625,629	0	0%	
Interest bearing loans and borrowings - non-current	27,694,519	25,066,288	25,066,288	25,066,288	0	0%	
Lease liabilities - non-current	263,091	111,778	111,778	111,778	0	0%	
<b>Total Non-current liabilities</b>	<b>51,996,871</b>	<b>41,349,924</b>	<b>40,803,695</b>	<b>40,803,695</b>	<b>0</b>	<b>0%</b>	
<b>Total liabilities</b>	<b>84,807,834</b>	<b>65,432,028</b>	<b>57,881,720</b>	<b>56,278,389</b>	<b>(1,603,330)</b>	<b>(3%)</b>	
<b>Net assets</b>	<b>625,353,217</b>	<b>748,211,655</b>	<b>774,440,574</b>	<b>769,931,451</b>	<b>21,719,796</b>	<b>3%</b>	
<b>Equity</b>							
Accumulated surplus	174,133,518	171,221,227	194,167,411	194,167,411	0	0%	
Other reserves	27,380,253	31,233,086	30,561,801	30,561,801	0	0%	
Asset revaluation reserve	422,921,029	523,465,378	523,490,954	523,490,954	0	0%	
Accumulated surplus - current year	918,417	22,291,963	26,220,409	21,711,285	(4,509,124)	(17%)	
<b>Total Equity</b>	<b>625,353,217</b>	<b>748,211,655</b>	<b>774,440,574</b>	<b>769,931,451</b>	<b>(4,509,124)</b>	<b>(1%)</b>	

**Notes****1. Cash and Cash Equivalents**

Cash and Cash Equivalents have decreased in January. This is largely due to general operation of the business.

**2. Rate Receivables**

The balance reflects outstanding rates for the financial year and will reduce progressively over the course of financial year, as instalments fall due and payments are made by ratepayers.

**3. Other receivables - current**

Balance is reflective of debtor invoices issued but not yet paid. This account will fluctuate during the year as invoices are received and paid by debtors and the timing of when the figures are taken for reporting.

**4. Property, plant and equipment and infrastructure**

Decrease in PP&E relates to depreciation for the current period.

**5. Payables - current**

Payables - current balance is reflective of supplier invoices received but not yet paid. This account will fluctuate during the year as invoices are received and paid as part of Council operations. Invoices are generally paid when they are due, not when received.

Rural City of Wangaratta	FY23/24 Adopted Budget	FY23/24 Adopted Full Year Forecast	FY23/24 Projected Full Year Forecast	Projected Full Year to Adopted Budget Variance	Commitments	FY23/24 YTD Actual	FY23/24 YTD Budget	YTD Variance	YTD Variance	Ref
Statement of Capital Works 31st January 2024	\$	\$	\$	\$	\$	\$	\$	\$	%	
<b>Property</b>										
WIP Land Improvements	60,000	60,000	530,140	(470,140)	298,637	(275,552)	35,933	311,485	867%	
<b>Total Land</b>	<b>60,000</b>	<b>60,000</b>	<b>530,140</b>	<b>(470,140)</b>	<b>298,637</b>	<b>(275,552)</b>	<b>35,933</b>	<b>311,485</b>	<b>867%</b>	
WIP Buildings	1,450,697	1,811,971	1,762,145	49,826	461,706	877,738	1,217,697	339,959	28%	
<b>Total buildings</b>	<b>1,450,697</b>	<b>1,811,971</b>	<b>1,762,145</b>	<b>49,826</b>	<b>461,706</b>	<b>877,738</b>	<b>1,217,697</b>	<b>339,959</b>	<b>28%</b>	
<b>Total Property</b>	<b>1,510,697</b>	<b>1,871,971</b>	<b>2,292,285</b>	<b>(420,314)</b>	<b>760,343</b>	<b>602,186</b>	<b>1,253,630</b>	<b>651,444</b>	<b>52%</b>	
<b>Plant and equipment</b>										
Plant and equipment	3,030,339	3,030,339	3,210,339	(180,000)	2,775,714	227,626	16,782	(210,834)	(1256%)	
Furniture and fittings	141,700	146,814	285,918	(139,305)	140,100	114,843	67,067	(47,776)	(71%)	
Computers and telecommunications	1,407,580	1,163,307	1,029,437	134,070	403,666	408,747	727,110	318,363	44%	
Artworks	7,500	9,491	9,491	-	0	(1,500)	1,500	4,000	173%	
Book collection	200,648	204,048	204,047	-	8,668	172,635	186,011	13,376	7%	
<b>Total Plant and equipment</b>	<b>4,787,767</b>	<b>4,553,998</b>	<b>4,739,232</b>	<b>(185,235)</b>	<b>3,328,148</b>	<b>921,341</b>	<b>1,000,469</b>	<b>79,129</b>	<b>8%</b>	
<b>Infrastructure</b>										
WIP Waste management	767,000	771,081	995,213	(224,132)	68,576	703,484	530,129	(173,355)	(33%)	
WIP Sealed roads and substructure	2,200,000	2,200,000	2,484,631	(284,631)	106,588	1,352,543	1,598,394	245,851	15%	
WIP Gravel Roads and substructure	1,828,594	1,828,594	1,828,594	-	195,693	769,215	978,210	208,994	21%	
WIP Bridges	800,000	1,026,875	1,026,875	-	623,463	293,617	304,362	10,745	4%	
WIP Drainage	8,023,000	8,109,489	8,109,489	(1)	2,859,216	3,105,543	3,779,734	674,191	18%	
WIP Footpaths	500,000	697,665	831,190	(133,526)	51,814	605,221	476,547	(128,675)	(27%)	
WIP Bikeways	-	-	-	-	-	(273)	-	273	-	
WIP Off Street Car Parks	-	-	(8)	-	-	4,459	-	(4,459)	-	
WIP Parks, Open Spaces and Streetscapes	95,000	648,688	617,774	30,914	37,037	460,613	374,492	(86,121)	(23%)	
WIP Recreation, Leisure and Community Facilities	8,490,736	8,996,475	9,206,647	(210,172)	1,972,152	6,260,249	7,328,126	1,067,878	15%	
WIP Aerodromes	-	-	97,376	(97,376)	19,938	77,180	-	(77,180)	-	
WIP Other Infrastructure	9,499,370	4,728,496	4,736,297	(7,801)	1,403,114	2,995,559	2,459,669	(535,891)	(16%)	
<b>Total Infrastructure</b>	<b>26,163,700</b>	<b>29,007,362</b>	<b>29,534,087</b>	<b>(526,725)</b>	<b>7,335,593</b>	<b>16,227,389</b>	<b>17,829,662</b>	<b>1,602,273</b>	<b>9%</b>	
<b>Total capital works expenditure</b>	<b>32,462,164</b>	<b>35,439,331</b>	<b>36,866,605</b>	<b>(1,532,274)</b>	<b>11,424,083</b>	<b>17,750,926</b>	<b>20,083,761</b>	<b>2,332,835</b>	<b>12%</b>	
<b>Represented by:</b>										
<b>Renewal expenditure</b>	13,948,416	14,437,095	14,413,531	23,563	6,097,168	4,477,831	5,815,854	1,338,023	23%	
<b>Upgrade expenditure</b>	13,074,948	13,181,302	14,201,136	(1,019,834)	2,806,842	8,243,511	9,047,646	804,135	9%	
<b>New Assets expenditure</b>	5,438,800	7,814,933	8,300,938	(586,005)	2,520,073	5,029,583	5,220,261	190,678	4%	
<b>Total capital works expenditure</b>	<b>32,462,164</b>	<b>35,439,331</b>	<b>36,866,605</b>	<b>(1,532,274)</b>	<b>11,424,083</b>	<b>17,750,926</b>	<b>20,083,761</b>	<b>2,332,835</b>	<b>12%</b>	

**Notes**  
Delivery of \$17.8m of Council's 23/24 capital works program was completed as at 31st January 2024, with a further \$11.4M of works committed.  
YTD performance as at 31st January is \$2.33m behind budget performance. The full year forecast has increased by \$1.5m from Q1 forecast review.  
Major increases from Q1 relate to:  
Murray to Mountains Trail Enhancements (\$470k) (Fully funded project)  
Federal Blackspot Program (\$325k) (Fully funded project)  
Organics Processing Plant (\$368k funded)





# Policy to Reduce Harm from Gambling

Document Type	Council Policy
Department	Community and Infrastructure
Date of Approval	March 2024
Date for Review	March 2028
Responsible Officer	Community and Recreation Coordinator
Authorising Officer	CEO
Version Reference Number	2.0
SIM Reference Number	

## 1. Statement and Purpose

The purpose of the Rural City of Wangaratta Policy to Reduce Harm from Gambling (the Policy) is to outline Council's future approach to protecting the Wangaratta community from gambling harm.

The Policy seeks to achieve the following objectives:

- Protect the community from the social, psychological, and economic harms caused by gambling.
- Strengthen our partnerships with organisations that provide services to people directly affected by gambling-related harm.
- Strengthen the community's capacity to understand the risks and impacts of gambling-related harm.
- Support advocacy to State and Federal government to protect the Wangaratta community from gambling-related harm.

2. Scope

The Policy outlines Council's position on gambling and will guide Council's roles and responsibilities in relation to all forms of gambling within the Rural City of Wangaratta. The Policy will also guide Council in making decisions on planning permit applications for Electronic Gaming Machines (EGMs) and representing the community's views on applications for gaming licences.

While there are many forms of gambling, it is important to emphasise that the financial losses from EGMs are greater than any other form of gambling in Victoria. It is also the area that local government can have the greatest influence.

The Victorian Gambling and Casino Control Commission is responsible for the regulation of all forms of gambling, including EGMs. Under the Planning and Environment Act 1987 and the Rural City of Wangaratta Planning Scheme, Council has the capacity to regulate the location and operation of EGMs. Council has the opportunity to represent the community's views on applications for gaming licences under the Gambling Regulation Act 2003.

The scope of this Policy covers four pillars.

PILLAR	COUNCIL'S COMMITMENT
1. Manage and support	Council will prevent or manage all forms of gambling on Council owned land and will support community groups, organisations and businesses offering gambling products to reduce their reliance on gambling-derived revenue.
2. Partner and advocate	Council will be a leader in advocating to Federal and State Government and adjacent local governments, to implement harm reduction approaches, policies and legislation amendments.
3. Plan and regulate	Council will fulfill its statutory and land-use planning obligations to regulate gambling activities in the municipality and reduce the incidence of gambling-related harm.
4. Inform and engage	Council will support initiatives that increase the community's awareness of the risks and impacts of gambling-related harm.

3. Policy Statement

Council is committed to protecting the Wangaratta community from gambling-related harm through this Policy and related Strategic Plan.

Council will actively seek to reduce losses from gambling by meeting its requirements as a responsible authority in accordance with the Planning and Environment Act 1987 and the Gambling Regulation Act 2003.

## Policy to Reduce Harm from Gambling 3

Council will adopt a public health approach, recognising that there are multiple social, economic and environmental determinants of harm. This approach acknowledges that harm may be experienced not just by the person who gambles but also by their family, friends and the wider community (1).

A whole of community approach to protecting the community from harm will be utilised. Part of this approach includes Council opposing an increase in the number of Electronic Gaming Machines in the Wangaratta community.

Taking an evidence-based public health approach to the prevention of gambling harm includes the use of accurate, evidence-based, and non-stigmatising language. Council will use terms such as 'gambling' in place of 'gaming', 'people harmed by gambling' in place of 'problem gamblers', 'gambling losses' in place of 'expenditure' and 'EGM operators' in place of 'gaming venues'. This language identifies that gambling behaviour is influenced by a combination of factors, including characteristics of the individual person, social and cultural norms, aspects of the gambling environment, and broader policy and legislation (1).

Council acknowledges that some forms of gambling considered lower risk, such as raffles, are utilised by community organisations for the purpose of fundraising. While Council does not actively support these activities, it is understood that these are a major source of revenue for clubs and community organisations. Council commits to working with clubs to reduce their dependency on gambling revenue but will not penalise clubs for lower risk activities where the main purpose is fundraising.

## 4. Roles and Responsibilities

### 1.1 Council

It is the role of Council to adopt the Policy, and to continue to be leaders in the community in support of the improved health and wellbeing for residents and visitors of the Rural City of Wangaratta.

### 1.2 Rural City of Wangaratta employees:

All Council employees have a responsibility to ensure adherence to the policy.

The Community and Recreation unit is responsible for:

- Administrative implementation and review of this policy and all associated reporting to Council.
- Ensuring all Council staff are aware of the policy and its application.

The Statutory Planning Unit is responsible for:

- Application of the policy to inform decisions on planning permit applications for new gaming operators or increases in the number of EGMs in existing venues.

## 5. Breaches

Breaches of this policy may lead to disciplinary action in accordance with Councils Enterprise Agreement.

## 6. Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

Council, Councillors and members of Council staff are a public authority under the Charter of Human Rights and Responsibilities Act 2006 and, as such, are all responsible to act in accordance with the Victorian Charter of Human Rights and Responsibilities 2006 (the Charter).

## 7. Gender Impact Assessment

This policy has considered and applied Council's Gender Impact Assessment Process and satisfies the provisions established in the Gender Equality Act 2020 (Vic).

## 8. Monitoring and evaluation

The Community and Recreation Team will develop a four year implementation plan for the actions listed in the Strategy to Reduce Harm from Gambling. This implementation will be presented to the Corporate Management Team (CMT) and will be reported on annually to CMT and Councillors.

## 9. Definitions

Community Benefit Statement	Community benefit statements provide the framework for reporting expenditure on community benefits by club and racing club gaming operators that receive gaming revenue in a financial year. A community benefit statement verifies whether the community benefit provided by the club is equal to at least 8.33 per cent of its net gaming machine revenue.
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Community Support Fund (CSF)	Hotels operating electronic gaming machines (EGMs) are required to contribute 8.33 per cent of this revenue to the CSF which is a trust fund governed by the Gambling Regulation Act 2003. The funds are directed back to the
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Policy to Reduce Harm from Gambling 5

community (not necessarily the community from which the revenue was generated) to support initiatives such as programs supporting people affected by gambling-related harm and substance abuse; youth programs; sport and recreation programs; art and tourism programs; and costs associated with administering the CSF.

Council

Rural City of Wangaratta

Electronic gaming machine (EGM)

An electronic gaming machine is a computerised gambling device that has a video screen displaying symbols on simulated reels. Cash is inserted into the machine and buttons are used to place bets. The machine randomly determines the position of symbols on the screen. Wins are returned as credits back into the machine.

Gambling

Gambling/betting requires a player to risk losing something of value (usually money) for the chance of winning more. Gambling outcomes may depend on correctly predicting an uncertain outcome (such as a particular horse coming first in a race), or luck (such as a winning combination of symbols on and Electronic Gaming Machine).

Gambling-related harm

Any initial or exacerbated adverse consequence due to an engagement with gambling that leads to a decrement to the health or wellbeing of an individual, family unit, community or population. These harms include relationship breakdown, compromised mental and physical health and wellbeing, financial losses, demand for services, lost work productivity and crime.

Gambling related harm can be divided into seven key areas: Financial harm, relationship disruption, emotional or psychological distress, decrements to health, cultural harm, reduced work or study performance and criminal activity. These harms can further be considered as general harms (which occur at any time), crisis harms, which are associated with attempts to seek help, and legacy harms, which occur long after gambling has ceased

Public health approach

A public health approach involves utilising scientific knowledge, evidence-based strategies, and community-

Policy to Reduce Harm from Gambling 6

based interventions to improve the health and well-being of populations by focusing on prevention, health promotion, and addressing the underlying determinants of health.

References and related policies

References

- (1) Victorian Responsible Gambling Foundation (2015) Background Paper: Using A Public Health Approach in The Prevention of Gambling-Related Harm.  
<<https://responsiblegambling.vic.gov.au/documents/21/using-a-public-health-approach-in-the-prevention-of-gambling-related-harm.pdf>>

Legislation

- Planning and Environment Act 1987
- Gambling Regulation Act 2003
- Public Health and Wellbeing Act 2008
- Local Government Act 1998 (amended 2021)

Related documents

- Council Plan (2021-25)
- Rural City of Wangaratta Community Vision 2033
- Rural City of Wangaratta Planning Scheme

Version History		
Version Number	Date of change	Reasons for change
1.0	6/10/2023	
2.0	20/02/2024	Incorporation of changes based on submissions
3.0	04/03/2024	Dividing Strategy into Policy and Strategic Plan documents

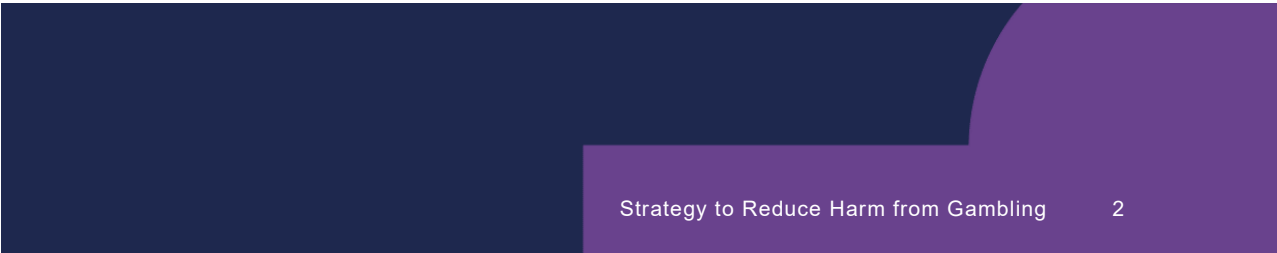


Rural City of  
**Wangaratta**

# Strategic Plan to Reduce Harm from Gambling

March 2024

wangaratta.vic.gov.au



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We acknowledge the traditional custodians of the lands on which the Rural City of Wangaratta communities reside.

We pay our respect to their Elders past, present and emerging, and celebrate and respect their continuing cultures. We are committed to walking beside all traditional owners as we move toward reconciliation.



## **Policy Statement**

Council is committed to protecting the Wangaratta community from gambling-related harm. This Strategic Plan outlines the actions Council will undertake. The Strategic Plan to Reduce Gambling Harm should be read in conjunction with Council's Policy to Reduce Gambling Harm.

Council will actively seek to reduce losses from gambling by meeting its requirements as a responsible authority in accordance with the Planning and Environment Act 1987 and the Gambling Regulation Act 2003.

Council will adopt a public health approach, recognising that there are multiple social, economic and environmental determinants of harm. This approach acknowledges that harm may be experienced not just by the person who gambles but also by their family, friends and the wider community

A whole of community approach to protecting the community from harm will be utilised. Part of this approach includes Council opposing an increase in the number of Electronic Gaming Machines in the Wangaratta community.

Taking an evidence-based public health approach to the prevention of gambling harm includes the use of accurate, evidence-based, and non-stigmatising language. Council will use terms such as 'gambling' in place of 'gaming', 'people harmed by gambling' in place of 'problem gamblers', 'gambling losses' in place of 'expenditure' and 'EGM operators' in place of 'gaming venues'. This language identifies that gambling behaviour is influenced by a combination of factors, including characteristics of the individual person, social and cultural norms, aspects of the gambling environment, and broader policy and legislation

Council acknowledges that some forms of gambling considered lower risk, such as raffles, are utilised by community organisations for the purpose of fundraising. While Council does not actively support these activities, it is understood that these are a major source of revenue for clubs and community organisations. Council commits to working with clubs to reduce their dependency on gambling revenue but will not penalise clubs for lower risk activities where the main purpose is fundraising.

## **Background**

### **COUNCIL'S STRATEGIC FRAMEWORK**

Local government has legislative requirements to protect and promote the health and wellbeing of the community. The need to protect our community from gambling-related harm is expressed in both the *Community Vision* and under the strategic priority 'Nurturing our Wellbeing' in the Rural City of Wangaratta Council Plan (which incorporates our Municipal Public Health and Wellbeing Plan).

#### *Community Vision*

Wellbeing – Healthy behaviours and lifestyles

- I6 Reduce rates of gambling amongst the community.

*Council Plan*

## Nurturing our Wellbeing – 2.4 Healthy behaviours and lifestyles

- 2.4.6 Reduce rates of gambling amongst the community.
  - 2.4.6.1 Develop a Gaming Policy to guide decisions relating to gaming and gambling within our community.
  - 2.4.6.2 In collaboration with key community organisations, advocate to other levels of Government for best practice gambling regulation and policy reform that reduces the harms associated with gambling.
  - 2.4.6.3 Partner with local services, community leaders and community and business organisations to inform the community about the health risks of gambling.

The Strategic Plan and associated Policy will guide Council in fulfilling its statutory obligations under the following legislation:

- *Planning and Environment Act 1987*
- *Gambling Regulation Act 2003*
- *Public Health and Wellbeing Act 2008*
- *Local Government Act 1998 (amended 2021)*

**GAMBLING IN VICTORIA**

Australia has the highest per capita expenditure on gambling in the world (1). In the past five years there has been a reduction in losses on EGMs and an increase in losses in sport and race betting in Australia. This is partly due to the closure of gaming operators during the COVID-19 lockdowns and the increase in online sports betting.

In 2019-20 per capita losses on EGMs in Victoria represented 59 per cent of per capita losses on all forms of gambling (2).

Trends in gambling behaviour in Victoria are as follows (3):

- Over two-thirds of Victorian adults had spent money on some form gambling, inclusive of lottery products, in the last twelve months (69.0%). There was little difference in participation between the genders (69.9% of men, 68.2% of women).

Specific gambling patterns among people using EGMs during 2018-19 are as follows (3):

- Twenty percent (20.4%) of gamblers had used EGMs in the last twelve months.
- More males had used EGMs than females (22.2% compared with 18.7%).
- 'Problem gamblers' (69.3%), moderate-risk gamblers (52.3%) and low risk gamblers (40.0%) were more likely to have used EGMs compared with non-'problem gamblers' (16.3%).
- Over a third (35.5%) of young adult gamblers aged 18 to 24 years had played pokies.

- Gamblers aged 35 to 54 were least likely to have used EGMs (inclusive of 14.9% of 35 to 44 year-olds and 15.1% of 45 to 54 year-olds).
- Lower income gamblers were more likely to have used EGMs than high income gamblers.

### GAMBLING HARMS

Gambling losses are associated with harms. Some population groups are at a higher risk of experiencing harm from gambling, including people experiencing socio-economic disadvantage, Aboriginal and Torres Strait Islander people, people experiencing social isolation, people with low proficiency in English and people with low educational attainment.

Key factors about gambling harms are as follows (3):

- Seven out of every thousand people were identified as problem gamblers (0.7%), and twenty-four out of every thousand (2.4%) as moderate risk gamblers. Most Victorian adults (59.2%) were categorised as non-problem gamblers according to respondents' PGSI scores. Three in ten (31.0%) were non-gamblers.
- Men were significantly more likely than women to be problem gamblers (1.0%, compared with 0.5%), moderate risk gamblers (3.4%, compared with 1.5%), or low risk gamblers (8.4% compared with 5.0%). Conversely, women were significantly more likely to be classified as non-problem gamblers (61.2% compared with 57.1% of men).
- In 2018-19, 4.9% of Victorian adults indicated that they had experienced problems in the last twelve months that resulted from another person's gambling from over twelve months ago.
- For each person with a gambling problem 7-10 other people are impacted.
- Due to their high prevalence, the gambling forms with the greatest population impact were EGMs (37.7%), casino table games (15.0%), and Keno (13.2%).
- EGM accessibility is associated with police-recorded domestic violence incidence in postcodes in Victoria. Reducing EGM accessibility may potentially provide an avenue for reducing the incidence of domestic violence. (4)

### WANGARATTA'S EGM CONTEXT

There are currently 154 EGMs operating out of four gaming operators in Wangaratta (refer to Table 1).

Table 1 – Gaming operators, EGM numbers and EGM losses 2022-23 Financial Year (5)

Venue Name & Address	Club/Hotel	Attached Entitlements	Licensed EGMs	Player losses 2022-23
Pinsent Hotel 20 Reid Street, Wangaratta	Hotel	44	44	\$4,568,096
The Old Town 'N' Country Tavern Cnr Greta Road & Mason Street, Wangaratta	Hotel	35	35	\$2,333,905

Wangaratta Club 4 Victoria Parade, Wangaratta	Club	25	25	\$1,462,867
Wangaratta RSL 2-4 Templeton Street, Wangaratta	Club	50	50	\$2,509,324
Rural City of Wangaratta		154	154	\$10,874,191

At present Wangaratta is operating 69 per cent of its municipal cap of 223 EGMs (6). A municipal cap is a maximum and not a benchmark, calculated at 10 EGMs per 1,000 adults. If population rises, the limit may increase (7).

Table 2 contains key statistics about Wangaratta's gaming operators and EGMs over the past 3 financial years. It is important to note that gambling venues across Victoria were closed between March and November 2020 due to Covid-19 lockdowns. Gaming expenditure data published during that time reflects these closures.

*Table 2 – Key gaming indicators, 2019-20 to 2022-23 (5)*

	2019-2020	2020-2021	2021-2022	2022-2023
<b>EGM losses</b>	\$6,958,811	\$5,239,122	\$8,688,280	\$10,874,191
<b>Number of EGMs</b>	154	154	154	154
<b>Adult Population</b>	23,109	23,307	23,498	23,618
<b>Adults per gambling operator</b>	5,777	5,827	5,875	5,905
<b>EGMs per 1,000 Adults</b>	6.7	6.6	6.6	6.5
<b>EGM losses per Adult</b>	\$301	\$225	\$370	\$460
<b>Losses per EGM</b>	\$45,187	\$34,020	\$56,417	\$70,612

Wangaratta has a higher density of EGMs per 1,000 adults (6.5) compared to regional municipalities and Victoria (5.9 and 4.8 respectively) (6).

Since the gaming operators opened in the 2020-21 Financial Year, EGM losses per adult and losses per EGM have increased, suggesting the Wangaratta community is using EGMs more intensely.

### **Community Consultation**

The development of this Strategy and associated policy began to address actions embedded in the Council Plan (2021-25). The Policy and Strategy have been refined at each stage of the development.

#### **Stage 1 – Preparation of evidence base**

- Research of Council's legislative roles and responsibilities
- Review of Victorian public health data and priorities
- Review of policies by other councils
- Analysis of the Rural City of Wangaratta gambling context and vulnerability to gambling-related harm
- Review of scientific and academic research on gambling-related harms
- Preparation of Background Report

#### **Stage 2 – Preparation of draft Gambling Policy and Action Plan**

- Discussions with relevant council departments
- Facilitated Councillor Briefing Session
- Discussions with relevant health and wellbeing partners and stakeholders in community according to Council Plan commitments, including Gateway Health, Centre Against Violence, Victoria Police, Neighbourhood Houses, Victorian Aboriginal Childcare Agency, The Centre/Sport North East, Northeast Health Wangaratta, Upper Murray Family Care, Anglicare Victoria (Loaves and Fishes), LINE Wangaratta.
- Initial draft developed and presented to Councillors

#### **Stage 3 – Targeted Stakeholder engagement**

- Targeted consultation with sporting and community groups supported by revenue from gambling
- Review of draft Gambling Policy and Action Plan by health and wellbeing partners and stakeholders
- Targeted consultation with EGM operators and venues with other forms of gambling
- Draft Policy and Action Plan presented to Council Meeting prior to public exhibition

#### **Stage 4 – Public Exhibition and Final Review**

- Public Exhibition Period
- Submissions to Councillors
- Response to feedback
- Incorporation of feedback
- Preparation of final Policy to Reduce Harm from Gambling and Strategy to Reduce Harm from Gambling, incorporating the Action Plan
- Adoption of Policy to Reduce Harm from Gambling and Strategy to Reduce Harm from Gambling by Council

### Action plan

The actions outlined below are structured around four pillars which align with Council's statutory roles and its scope of influence to protect the Wangaratta community from gambling-related harm.

### Manage and Support

**Commitment:** Council will prevent or manage all forms of gambling on Council owned land and will support community groups, organisations and businesses offering gambling products to reduce their reliance on gambling-derived revenue.

	Actions
1.1	Continue to promote a variety of non-gambling events, activities and programs that encourage residents to lead active and healthy lives.
1.2	Discourage conducting Rural City of Wangaratta activities, social outings, meetings or municipal events at venues that provide any form of gambling. Exemptions will be made for commemorative events such as ANZAC Day, Vietnam Veteran's Day, and Remembrance Day commemorations, fundraising events that support disadvantaged groups in the community, and events that provide recognition for volunteers.
1.3	Maintain independence from the gambling industry by: <ul style="list-style-type: none"> <li>1.3.1: prohibiting advertising and/or the promotion of gambling of any form at Council owned or managed facilities</li> <li>1.3.2: prohibiting any form of gambling, including online gambling, on Council owned and managed land</li> <li>1.3.3: minimising financial support or provision of grants for activities that take place in gambling venues</li> <li>1.3.4: not accepting financial or in-kind contributions from the gambling industry</li> </ul>
1.4	Review Council's Procurement Policy and Procedure to discourage purchasing from companies that sell or are associated with gambling products.
1.5	Work with community groups and organisations to reduce their financial dependence on revenue derived from gambling sponsorships and gambling activities.
1.6	Seek external funding opportunities, in partnership with community where possible, that will contribute towards protecting the Rural City of Wangaratta community from gambling-related harm and assist with the delivery of this action plan.

**Partner and Advocate**

<b>Commitment:</b> <i>Council will be a leader in advocating to Federal and State Government and adjacent local governments, to implement harm reduction approaches, policies and legislation amendments.</i>	
	<b>Actions</b>
2.1	Support harm minimisation advocacy to federal and state government, including (but not limited to): submissions to VGCCC; opportunities to provide feedback in relation to state and federal legislation and policy changes.
2.2	Support the work of neighbouring councils to enhance combined regional approaches in reducing harm from gambling.
2.3	Join the Alliance for Gambling Reform.
2.4	Advocate to the State Government for changes to the Community Benefit Statement, including removing the Class B (Indirect community benefits) and Class C (miscellaneous) categories.

**Plan and Regulate**

<b>Commitment:</b> <i>Council will fulfill its statutory and land-use planning obligations to regulate gambling activities in the municipality and reduce the incidence of gambling-related harm.</i>	
	<b>Actions</b>
3.1	Where appropriate, integrate strategies to protect the Wangaratta community from gambling-related harm into our strategic planning framework. This includes, but is not limited to, the Council and Health and Wellbeing Plans, Community Vision and the Rural City of Wangaratta Planning Scheme.
3.2	Oppose a proposal for a new gaming operator or increase in the number of EGMs in an existing venue if an independent social and economic impact assessment indicates it will have negative social and economic impacts on, and minimal community benefit for, the community of the Rural City of Wangaratta.
3.3	Implement effective leasing arrangements to prohibit gambling activities and advertising on Council owned or managed land.
3.4	Advocate to prohibit new gaming operators in communities with limited access to non-gambling activities.
3.5	Incorporate conditions in planning permits relating to the design and operation of gaming operators that enhance harm minimisation measures.
3.6	In cases where new or additional EGMs are approved, incorporate conditions in planning permits that require the allocation of community contributions towards projects that address population risk factors, precursors for gambling-related harm, or educational campaigns to raise awareness of gambling risks and harms.

3.7	Make submissions to the VGCCC and support surrounding municipalities' submissions to VGCCC where there is reliable evidence that the application will have negative social and economic impacts and minimal community benefit.
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### **Inform and Engage**

<b>Commitment:</b> <i>Council will support initiatives that increase the community's awareness of the risks and impacts of gambling-related harm.</i>	
	<b>Actions</b>
4.1	Report to Council twice annually on latest gambling-related research, data collection or government enquiries.
4.2	Continue to monitor gambling-related research, evidence, data, legislative or policy changes, and gambling trends, including harm prevention and minimisation.
4.3	Work with and support relevant organisations, providers, agencies and initiatives to educate the Rural City of Wangaratta community on the overall negative public health impact of gambling and the risks involved with all forms of gambling.
4.4	Maximise opportunities for the community to provide their input into decisions made on planning permit applications and make submissions to the VGCCC on proposed gaming licences.
4.5	Provide the Wangaratta community, service providers and agencies, and other relevant stakeholders with the opportunity to contribute to strategies and actions relating to gambling in Council's policies, plans and strategies.
4.6	Create opportunities to incorporate gambling questions on existing surveys and during community consultation in order to further understand gambling harm within Rural City of Wangaratta.



### Definitions

<b>Community Benefit Statement</b>	Community benefit statements provide the framework for reporting expenditure on community benefits by club and racing club gaming operators that receive gaming revenue in a financial year. A community benefit statement verifies whether the community benefit provided by the club is equal to at least 8.33 per cent of its net gaming machine revenue.
<b>Community Support Fund (CSF)</b>	Hotels operating electronic gaming machines (EGMs) are required to contribute 8.33 per cent of this revenue to the CSF which is a trust fund governed by the Gambling Regulation Act 2003. The funds are directed back to the community (not necessarily the community from which the revenue was generated) to support initiatives such as programs supporting people affected by gambling-related harm and substance abuse; youth programs; sport and recreation programs; art and tourism programs; and costs associated with administering the CSF.
<b>Council</b>	Rural City of Wangaratta
<b>Electronic gaming machine (EGM)</b>	An electronic gaming machine is a computerised gambling device that has a video screen displaying symbols on simulated reels. Cash is inserted into the machine and buttons are used to place bets. The machine randomly determines the position of symbols on the screen. Wins are returned as credits back into the machine.  They are also referred to as EGMs, pokies and pokie machines.
<b>Gambling</b>	Gambling/betting requires a player to risk losing something of value (usually money) for the chance of winning more. Gambling outcomes may depend on correctly predicting an uncertain outcome (such as a particular horse coming first in a race), or luck (such as a winning combination of symbols on and Electronic Gaming Machine).
<b>Gambling-related harm</b>	Any initial or exacerbated adverse consequence due to an engagement with gambling that leads to a decrement to the health or wellbeing of an individual, family unit, community or population. These harms include relationship breakdown, compromised mental and physical health and wellbeing, financial losses, demand for services, lost work productivity and crime.  Gambling related harm can be divided into seven key areas: Financial harm, relationship disruption, emotional or psychological distress, decrements to health, cultural harm, reduced work or study performance and criminal activity. These harms can further be considered as general harms (which occur at any time), crisis harms, which are associated with attempts to seek help, and legacy harms, which occur long after gambling has ceased
<b>Public health approach</b>	A public health approach involves utilising scientific knowledge, evidence-based strategies, and community-based interventions to improve the health and well-being of populations by focusing on prevention, health promotion, and addressing the underlying determinants of health.

## **References**

- (1) Australian Institute of Health and Welfare (2021) Gambling in Australia, AIHW, Australian Government, accessed 24 July 2023. <<https://www.aihw.gov.au/reports/australias-welfare/gambling>>
- (2) Queensland Government Statistician's Office (2022) *Australian Gambling Statistics, 37<sup>th</sup> edition, 1994–95 to 2019–20*, Queensland Treasury. <<https://www.qgso.qld.gov.au/statistics/theme/society/gambling/australian-gambling-statistics>>
- (3) Rockloff, M, Browne, M, Hing, N, Thorne, H, Russell, A, Greer, N, Tran, K, Brook, K & Sproston, K (2020) *Victorian population gambling and health study 2018–2019*, Victorian Responsible Gambling Foundation, Melbourne. <<https://responsiblegambling.vic.gov.au/resources/publications/victorian-population-gambling-and-health-study-20182019-759/>>
- (4) Markham, F, Young, M & Doran, B (2016) *The relationship between player losses and gambling-related harm: evidence from nationally representative cross-sectional surveys in four countries*, *Addiction*, 111(2):320-330, doi:10.1111/add.13178
- (5) Victorian Gambling and Casino Control Commission (2023) *Expenditure data*, Victorian Government. <<https://www.vgccc.vic.gov.au/resources/information-and-data/expenditure-data>>
- (6) Victorian Responsible Gambling Foundation (2023) *Pokies across Victoria*. <<https://responsiblegambling.vic.gov.au/resources/gambling-victoria/pokies-across-victoria/wangaratta/>>
- (7) Victorian Gambling and Casino Control Commission (2023) *Gaming machine caps and limits*, Victorian Government. <<https://www.vgccc.vic.gov.au/gambling/gaming-venue-operator/understand-your-gaming-licence/caps-and-limits>>

## **Related documents**

- Council Plan (2021-25)
- Rural City of Wangaratta Community Vision 2033



30<sup>th</sup> November 2023

**Submission to Rural City of Wangaratta – re draft Gambling Policy and Gambling Action Plan.**

Thank you for the opportunity to provide feedback on the Rural City of Wangaratta – Draft Gambling Policy and Draft Gambling Action Plan. Meaningful, specific and proactive gambling harm prevention policies are crucial to the health and wellbeing of both individuals and the community.

Councils can influence the conditions needed for good health, such as the natural, built and social environments in which people live, learn, work and play<sup>1</sup>. They have a major role in supporting the objectives of the Victorian Public Health and Wellbeing Act 2008<sup>2</sup> by protecting, improving and promoting public health.

This response to the draft Gambling Policy and Action plan is informed by feedback from the Health Promotion and Gambler's Help teams at Gateway Health. This response is also supported by reference to policy documents from other Victorian Local Government areas, which are all governed by the same state legislation. As well, this response is substantiated by evidence from a range of research from peak bodies, as well as direct consultation with Alliance for Gambling Reform (AGR) Victorian Local Governance Association (VLGA), Municipal Association of Victoria (MAV), Victorian Health Promotion Foundation and the Victorian Responsible Gambling Foundation (VRGF).

Gateway Health acknowledges that the harm inflicted on individuals and communities by gambling needs to be tackled at all levels of government. Local government however has a crucial role in both planning and providing strong advocacy for measures to reduce gambling harm. It is heartening to see Victorian councils such as Hume City Council and Monash City Council utilising all the levers available to local government, which include taking on a strong advocacy role that has clearly influenced relevant state government legislation<sup>3</sup>.

Gambling harm arises from a complex interplay of factors, at numerous levels. There are multiple factors at work in the development of gambling harms at the population level, including individual psychological and behavioural factors such as stressful living circumstances, socioeconomic conditions, environmental factors such as the relative availability and proximity of gambling opportunities, technological factors including the nature and relative intensity of gambling technologies available, educational opportunities, employment opportunities, the availability of alternative recreational and entertainment opportunities, and the regulatory environment.<sup>4</sup> Approaches to gambling harm prevention and reduction need to be cognisant of this complexity, and address factors such as these via effective multi-factorial interventions<sup>5</sup>. Often, but not always, gambling harm co-relates with or causes poor mental health, family violence and substance harm<sup>6</sup>. It can also happen in isolation.

<sup>1</sup> VicHealth, Reducing harm from alcohol - Local government action guide

<https://www.vichealth.vic.gov.au/sites/default/files/Alcohol-LGA-Action-Guide.pdf>

<sup>2</sup> Victorian Government, Public Health and Wellbeing Act 2008

<https://content.legislation.vic.gov.au/sites/default/files/2023-08/08-46aa062-authorized.pdf>

<sup>3</sup> Hume City Council <https://www.hume.vic.gov.au/Residents/Latest-News/News-and-Media-Releases/2023/Hume-City-Council-drives-change-in-reducing-gambling-harm>

<sup>4</sup> Browne, M, Langham, E, Rawat, V, Greer, N, Li, E, Rose, J, Rockloff, M, Donaldson, P, Thorne, H, Goodwin, B, Bryden, G & Best, T 2016, [Assessing gambling-related harm in Victoria: a public health perspective](#), Victorian Responsible Gambling Foundation, Melbourne.

<sup>5</sup> Victorian Responsible Gambling Foundation, Gambling Harms Scales

[https://responsiblegambling.vic.gov.au/documents/1206/RES0118\\_The\\_Gambling\\_Harms\\_Scales.pdf](https://responsiblegambling.vic.gov.au/documents/1206/RES0118_The_Gambling_Harms_Scales.pdf)

<sup>6</sup> Royal Commission into Mental Health <http://rcvmhs.archive.royalcommission.vic.gov.au>

### **Feedback on Draft Gambling Policy**

#### **Section 1 - Statement and Purpose:**

One of the key objectives is to *protect those most vulnerable to the social and economic harms caused by gambling*. Anyone can experience gambling harm, in fact the availability of gambling, along with participation and frequency of gambling alone can increase risk<sup>7</sup> To help the community understand that anyone can experience gambling harm and reduce stigma it would be beneficial to change the wording to reflect this. For example: One of the key objectives is to safeguard the community, including those at higher risk, from the social and economic harms of gambling.

The second key objective of *maximising opportunities for gambling activities to deliver social and economic benefits* is unclear and may conflict with the policy's overall purpose, which is to delineate the Council's future strategy for safeguarding and minimising social and economic harms to the Wangaratta community from gambling. Simply put, maximising opportunities for gambling activities will not deliver social and economic benefits to the local community, in fact, gambling activity is known to create social costs. The Victorian Responsible Gambling Foundation found a conservative estimate of a \$7 billion annual social cost of gambling to Victoria,<sup>8</sup> with family and relationship problems being the highest at \$2.2 billion, followed by emotional and psychological issues at \$1.6 billion, including distress, depression, suicide, and violence, and financial harms ranking third at \$1.3 billion,<sup>9</sup> it is crucial to reassess and align the policy to acknowledging and incorporating these significant social and economic concerns.

Gambling costs primarily arise from redistributing wealth from gamblers, both low and moderate risk, and problematic, to various entities, including government and industry. Research indicates that 75% of the total gambling cost is borne by gamblers, their families, and social networks.

Research indicates that gambling generates disproportionate costs in relation to the industry's size, tax revenue, and assumed recreational value for Victorians.<sup>10</sup>

Finally, in relation to this objective, Gateway Health encourage the Council to align Policy focus with Victorian Gambling and Casino Control Commission (VGCCC) and the Victorian Responsible Gambling Foundation (VRGF) objectives, *whose aims are to prevent, reduce and minimise harm from gambling, recognising that gambling causes harm and that such harm is not limited to 'problem gamblers'*.<sup>11</sup>

Statistics shows that gambling generates no net economic benefit, as jobs generated by gambling are balanced by declines in expenditure and employment in other fields of industry. In addition, less than five cents for every dollar lost to gambling by residents is returned to the local community<sup>12</sup>.

<sup>7</sup> [VRGF Population Study 2018-2019 - Fact Sheet 8 - Gambling Frequency and Harm](#)

<sup>8</sup> Browne, M, Greer, N, Armstrong, T, Doran, C, Kinchin, I, Langham, E & Rockloff, M 2017, [The social cost of gambling to Victoria](#), Victorian Responsible Gambling Foundation, Melbourne.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> VGCCC, Our Position on Gambling Harm -

[https://www.vgccc.vic.gov.au/sites/default/files/our\\_position\\_on\\_gambling\\_harm.pdf](https://www.vgccc.vic.gov.au/sites/default/files/our_position_on_gambling_harm.pdf)

<sup>12</sup> City of Greater Dandenong <https://www.greaterdandenong.vic.gov.au/gambling-social-statistics>

Research from Monash University demonstrates that:

- Benefits of gambling accrue to corporations, their shareholders, and governments (often without redress for affected communities).
- Gambling diverts expenditure from alternative uses:
  - Local businesses experience significant disadvantage in competing with gambling subsidised food and drink
  - Significant consumption expenditure is diverted
  - Gambling, especially automated gambling, is not highly productive of employment, especially compared to other consumption expenditure<sup>13</sup>.

The VLGA makes a very pertinent point in relation to this draft policy's objective about *maximising opportunities for gambling activities to deliver social and economic benefits*. Policies should aim to decrease losses from gambling, not increase the "community benefit". The VLGA warns that: *'a focus on maximising "benefits" is counter to good public health practice. In some cases, councils that have sought to maximise benefits from poker machine operators have found their decision making compromised when it comes to dealing with applications*<sup>14</sup>.

If the aim of this objective is to ensure that local clubs that currently have gambling machines meet the requirements of the Community Benefits Statement required by the VGCCC then this should be made clearer. Council could advocate that all monies claimed under community benefit statements locally should be directly reinvested with community groups and community-led initiatives within the Rural City of Wangaratta local government area that are addressing the precursors for or impacts of gambling harm.

#### Section 2, Scope:

The scope section acknowledges that *whilst there are many different forms of gambling, the most predominant source of financial loss and harm in Australia comes from EGMs*.

To further strengthen this point, and to give more context to the reader, statistics and references could be added. Suggested wording could read:

It is important to emphasise that Electronic Gaming Machines (EGMs), otherwise known as pokies, have the most impact in terms of inflicting gambling related harm<sup>15</sup>. Also, most significant, it is the area that local government authorities can have the most influence<sup>16</sup>.

In this section the policy outlines Councils obligations under the Planning and Environment Act 1987 and the Rural City of Wangaratta Planning Scheme. This section could be strengthened by being

<sup>13</sup> Monash University [https://research.monash.edu/files/325507035/284038181\\_oa.pdf](https://research.monash.edu/files/325507035/284038181_oa.pdf)

<sup>14</sup> Victorian Local Governance Association [www.vlga.org.au/sites/default/files/VLGA03-Local-Govt-Policy-for-distribution15816.pdf](http://www.vlga.org.au/sites/default/files/VLGA03-Local-Govt-Policy-for-distribution15816.pdf)

<sup>15</sup> Victorian Responsible Gambling Foundation <https://responsiblegambling.vic.gov.au/resources/publications/victorian-population-gambling-and-health-study-20182019-759/> and

[https://responsiblegambling.vic.gov.au/documents/763/VRGF\\_Population\\_Study\\_2018-2019\\_Fact\\_Sheet\\_4\\_4SmgROB.pdf](https://responsiblegambling.vic.gov.au/documents/763/VRGF_Population_Study_2018-2019_Fact_Sheet_4_4SmgROB.pdf)

<sup>16</sup> City of Monash Public Health Approach to Gambling Policy <https://www.monash.vic.gov.au/About-Us/Corporate-Strategies-Plans/Plans-and-Strategies/Public-Health-Approach-to-Gambling>

more explicit in the role Council can have in reducing harm from gambling. An example of this can be seen in an excerpt from the City of Ballarat Gambling Harm Policy:

*Clause 52.28 of the Victorian Planning Provisions under the Planning and Environment Act 1987 provides a statutory responsibility for councils to consider the social and economic impacts of gaming machines in their municipality. The Gambling Regulation Act 2003 enables local government to make submissions to the Victorian Gambling and Casino Control Commission (VGCCC) in the form of a social and economic impact assessment (SEIA) for potential new applications for EGMs within its municipality or a neighbouring municipality<sup>17</sup>.*

The way the draft policy is divided into four different pillars, makes the document clearer for the reader to understand and identifies the actions Council will undertake.

In the first pillar *manage and support*, the policy states: *Council will manage gambling activities on Council owned land, build the community's capacity to engage in healthy lifestyles and support the gambling industry to reduce its reliance on revenue derived from gambling.*

The above statement is currently unclear. Suggested wording could read:

The Council will appropriately proactively prevent or manage all forms of gambling on Council-owned land and will support community groups, organisations and businesses offering gambling products in reducing reliance on gambling-derived revenue. In addition, Council will build the community's capacity to engage in healthy lifestyles.

Specifically, bingo and raffles are often conducted by community groups in efforts to create social environments or to fundraise for local charities/causes. It could be identified that Council is not looking to prohibit bingo or raffles, instead Council wishes to ensure that harm from these activities is minimised and will work with clubs and community groups to ensure the activities are carried out in a way that prevents opportunity for harm.

The Council can re-orient prevention by recognising the important intersection of bingo and other gambling modalities, the links between bingo, other forms of gambling and gambling harm, and the impacts of disadvantage and trauma on bingo harm.

Engaging with diverse groups of bingo and other gamblers, including Indigenous people, culturally diverse communities and older individuals, underscores the importance of addressing their unique experiences. Recognising differences in gambling experiences, particularly between young and older individuals, is essential.

For gaming venues, the concern lies in both for-profit and not-for-profit bingo, where it serves as a 'loss leader' to attract people to venues where other primary gambling activities are available.

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<sup>17</sup> City of Ballarat Gambling Harm Minimisation Policy [www.ballarat.vic.gov.au/sites/default/files/2022-04/Gambling%20Harm%20Minimisation%20Policy%202022%20Final.pdf](http://www.ballarat.vic.gov.au/sites/default/files/2022-04/Gambling%20Harm%20Minimisation%20Policy%202022%20Final.pdf)

### Section 3, Policy:

Taking an evidence-based public health approach to the prevention of gambling harm includes the use of accurate, evidence-based, and non-stigmatising language.

Gateway Health welcomes the commitment to reframing gambling related harm and using terminology more in line with a public health approach, for example, people harmed by gambling, in place of problem gamblers (Pg 3 of the draft policy).

The policy title should reflect the aim - gambling harm minimisation. It is interesting to note that many other Victorian council policies taking a public health approach have used the title - 'Gambling Harm Minimisation Policy', rather than 'Gambling Policy'. A further way to reframe gambling harm is to acknowledge it in the title of the policy.

The first sentence of this section reads, *Council acknowledges that while gambling is a legal form of entertainment that is associated with some benefits, it also causes significant harm to vulnerable members of our community.* As outlined in feedback on the *Statement and Purpose* section, this sentence appears to be at odds with a public health approach.

The draft policy takes the approach of outlining both internally and externally focused work to reduce gambling related harm. This helps to streamline all work being undertaken in this area.

In the final paragraph of 3. Policy, Council acknowledges other forms of gambling including 'low risk forms like raffles and Bingo'. It must be acknowledged that Bingo accounts for 4% of harm in Victoria and that this harm risk is linked to digitisation, jackpots and close proximity of pokies.<sup>18</sup> Safeguarding the community from emerging Bingo enterprises and assisting clubs and community groups to minimise the risk of harm when using these forms of gambling for fund raising is recommended.

In the Scope section of the policy, it is clarified that the document will outline Council's position on gambling and will guide Council's roles and responsibilities in relation to all forms of gambling within the Rural City of Wangaratta. However, the current policy document overlooks some key gambling harm issues that can be more thoroughly addressed in the Action Plan. These include Council's commitment for addressing 1) the exposure to gambling advertising, particularly impacting children and young people, 2) the existing harm experienced by individuals under 18, 3) the accessibility of online and interactive gambling products with characteristics resembling gambling, and 4) the association of race and sports betting with significant harm.

It is crucial to address these gaps to strengthen the Wangaratta Gambling Policy and Action Plan effectively because:

1) Prolific gambling advertising: Victorians are constantly exposed to saturation levels of gambling ads across all media. Exposure to gambling ads normalises betting and increases the risk of harm. Current restrictions have failed to reduce children and young people's exposure to gambling, especially sports betting, which they think is normal.<sup>19</sup>

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<sup>18</sup> Maltzahn, K., Whiteside, M., Thompson, A., Kirirua, J., Cox, J., Lee, H., & MacLean, S, (2021). Lucky for some: bingo in Victoria, Victorian Responsible Gambling

Foundation, Melbourne. [https://responsiblegambling.vic.gov.au/documents/975/VRGF\\_RR\\_LFS-BingoVIC\\_publish.pdf](https://responsiblegambling.vic.gov.au/documents/975/VRGF_RR_LFS-BingoVIC_publish.pdf)

<sup>19</sup> Brett Hetherington and Tony Phillips 2023, [Discussion paper: Gambling harm and the online gambling environment](#), Victorian Responsible Gambling Foundation, Melbourne.



2) Under 18's already experience gambling harm: The findings of the 2017 ASSAD survey included that nearly a third (31 per cent) of Victorian secondary students had gambled, of which 38 per cent had bet on sport.<sup>20</sup> Similarly, national research undertaken by the Australian Institute of Family Studies shows that 6 per cent of people aged 16 and 17 have bet on sport in the past 12 months. ACMA research found that 72 per cent of parents are 'bothered' by their children's exposure to gambling ads.<sup>21</sup> Other research highlights that parents struggle to combat the advertising and to prevent the normalisation of gambling among their children.<sup>22</sup>

3) Newer online and interactive gambling products that exhibit many of the characteristics of gambling are also readily available online: These include loot boxes within games and wagering on in-game products and features (called skins betting). Many online games either simulate gambling or contain features that mimic or work in ways similar to features associated with gambling harm.<sup>23</sup> The research suggests that games and products of this type can normalise gambling for children and create pathways into underage gambling as well as harmful gambling in adulthood<sup>24</sup>

4) Race and sports betting are included among the gambling products most associated with harm in Australia: While efforts to reduce harm from gambling are applicable to many types of gambling, the evidence of high occurrences of harm among those who gamble on races, sport, pokies and table games, combined with numbers of those estimated to use those products,<sup>25</sup> make them legitimate priorities for action to reduce the harm they cause.

The rapid expansion of online wagering across various platforms and technologies is a crucial concern for enhancing the Wangaratta Gambling Policy and Action Plan. Similarly, careful consideration is needed to mitigate risks associated with simulated gambling and gambling-like products in video game content and their link with gaming to gambling.

<sup>20</sup> Freund, M, Noble, N, Hill, D, White, V, Evans, T, Oldmeadow, C & Sanson-Fisher, R 2019, [The prevalence and correlates of gambling in secondary school students in Victoria](#), Australia, 2017, Victorian Responsible Gambling Foundation, Melbourne.

<sup>21</sup> ACMA, 2019, [Gambling advertising in Australia: Consumer and advertising placement research](#), Canberra.

<sup>22</sup> Thomas, S. (2014). [Parents and adolescents discuss gambling advertising: A qualitative study](#), Victorian Responsible Gambling Foundation, Melbourne.

<sup>23</sup> Victorian Responsible Gambling Foundation, Submission to Parliament of Australia, Senate Environment and Communications References Committee, in relation to Gaming micro-transactions for chance based items, 27 July 2018. Victorian Responsible Gambling Foundation School Education program infographic (2021), Loot boxes: how children are being exposed to gambling-like harm in video games.

Rockloff M et.al. (2020), Loot Boxes: Are they grooming youth for gambling? CQUniversity report.

Browne B. (2020) Gambling on Games, Australia Institute.

Steinmetz F. et.al. (2021) Pay-to-Win Gaming and its Interrelation with Gambling Journal of Gambling Studies, May.

Stark, S., Reynolds, J., & Wiebe, J. (2020). Gambling and gaming in an Ontario sample of youth and parents. Journal of Gambling Issues, 46.

Derevensky, J. & Griffiths, M.D. (2019). The convergence between gambling and gaming: Does the gambling and gaming industry have a responsibility in protecting the consumer? Gaming Law Review.

<sup>24</sup> This is a reference to these types of games, not to digital games generally. The evidence that excessive gaming of itself is associated with pathways to gambling and gambling harm is weak. See Paul Delfabbro and Daniel L. King (2020), Gaming-gambling convergence: evaluating evidence for the 'gateway' hypothesis International Gambling Studies, May 2020.

<sup>25</sup> The Victorian population gambling and health study 2018–2019 estimated 9.6 per cent of adults participated in sports betting and 16.8 per cent participated in race betting. This compares with 16.4 per cent participation on EGMs and 6 per cent participation on casino table games. Hing, N., Russell, A. M. T., Browne, M., Rockloff, M., Greer, N., Rawat, V., Stevens, M., Dowling, N., Merkouris, S., King, D., Breen, H., Salonen, A., & Woo, L. (2021). [The second national study of interactive gambling in Australia \(2019–20\)](#). Melbourne: Gambling Research Australia Fig 4.5 p.96.

Section 7, Human Rights:

Even though the draft policy does cite the Victorian Charter of Human Rights and Responsibilities Act 2006, it could go further by making clear the connection between this draft policy and relevant sections of the Charter.

*Council, Councillors and members of Council staff are a public authority under the Charter of Human Rights and Responsibilities Act 2006 and, as such, are all responsible to act in accordance with the Victorian Charter of Human Rights and Responsibilities 2006 (the Charter).*

In particular, *Section 17 of the Charter – Right to the protection of families and children - whose welfare can be compromised by the destructive impacts of gambling in our community*, is directly relevant to the draft Gambling Policy.

In clearly identifying that gambling harm is outlined in the Charter of Human Rights and Responsibilities Act, it highlights the impact gambling harm can have on communities, and why all levels of government must act in order to address this issue.

Section 8, Gender Impact Assessment:

The draft policy mentions The Gender Equality Act 2020, of which all Councils are mandated to take into account when developing policies.

Part 3, Section 9 of The Gender Equality Act 2020 states that:

*'A defined entity must undertake a gender impact assessment when developing or reviewing any policy of, or program or service provided by, the entity that has a direct and significant impact on the public.'*

The impact of gambling in the community does exhibit a gendered impact, as outlined in Gambling Harms section of the Action Plan.

Recent Australian studies have found that up to half of people with gambling problems and their family members report some form of family violence (largely affecting women and children) in the previous 12 months<sup>26</sup>.

This section of the policy could be strengthened by providing some detail into how this policy was considered, and satisfies the Gender Equality Act.

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<sup>26</sup> Australian Institute on Family Studies <https://aifs.gov.au/resources/policy-and-practice-papers/impact-gambling-problems-families>

**Feedback on Draft Gambling Action Plan:**

According to the Victorian Local Governance Association (VLGA), best practice gambling harm policies must include current data, evidence, research and practice<sup>27</sup>. Having both the draft Gambling Policy and draft Gambling Action Plan (which includes local statistics) available at the same time, enables stakeholders and members of the community to more fully understand the importance of this policy and the data that underpins it. The draft Gambling Action Plan begins with citing exactly how the draft Gambling Policy aligns with clear actions in both the *Community Vision* document, and the *Council Plan* – this shows clear alignment and demonstrates Council’s commitment to this issue.

This section of the action plan could be further strengthened by:

- Including a summary of the key themes and/or principles from the stakeholders involved in the consultation Wangaratta Council has already undertaken in preparing this draft policy, as noted on Pg 4 of the Policy.
- While the information in the *Background* section of the Action Plan touches on explaining gambling related harm, it could be more specific. For example. *Gambling related harm can have a range of extremely detrimental effects on both individuals and the community generally<sup>28</sup>. These include financial harm, negative impacts on physical and mental health, serious relationship problems including family violence, reduced performance at work and study, negative cultural impacts and a potential increase in crime<sup>29</sup>.*
- Highlighting the importance of taking action: Wangaratta LGA has observed a notable increase in losses to Electronic Gaming Machines (EGMs) for the 2022-23 period among the 487 clubs and pubs in Victoria, ranking within the top 10.<sup>30</sup>

**Section 1 -Manage and support**

Some suggested changes to enhance this section, as well as create clarity for the actions, are:

**1.1 Continue to promote a variety of non-gambling events, activities and programs that encourage residents to lead active and healthy lives.**

Councils can have a critical role in creating and promoting safe, inexpensive alternatives to gambling<sup>31</sup>, such as the activities conducted at the municipal libraries under the ‘Libraries after Dark’ program<sup>32</sup>, which a number of other Victorian councils offer. These alternative activities to gambling need to be tailored to each priority population. Further, members of these priority populations need to participate in the co-design to ensure their needs are met and these activities are utilised and effective.

<sup>27</sup> Victorian Local Governance Association [www.vlga.org.au/sites/default/files/VLGA03-Local-Govt-Policy-for-distribution15816.pdf](http://www.vlga.org.au/sites/default/files/VLGA03-Local-Govt-Policy-for-distribution15816.pdf)

<sup>28</sup> Victorian Responsible Gambling Foundation <https://responsiblegambling.vic.gov.au/resources/publications/discussion-paper-gambling-harm-and-the-online-gambling-environment-1145>

<sup>29</sup> Victorian Responsible Gambling Foundation <https://responsiblegambling.vic.gov.au/resources/gambling-victoria/gambling-harm-victoria/types-harm-gambling/>

<sup>30</sup> Calculated based on VGCCC EGM expenditure figures access from - <https://www.vgccc.vic.gov.au/resources/information-and-data/expenditure-data>

<sup>31</sup> Victorian Responsible Gambling Foundation [https://responsiblegambling.vic.gov.au/documents/1057/Prevention\\_Partnership\\_Program\\_summary\\_evaluation\\_report.pdf](https://responsiblegambling.vic.gov.au/documents/1057/Prevention_Partnership_Program_summary_evaluation_report.pdf)

<sup>32</sup> <https://www.librariesafterdark.com.au/overview> and <https://www.vlga.org.au/governance-leadership/gambling/libraries-after-dark>

Current wording: 1.3.1 *Maintain independence from the gambling industry by*

*prohibiting advertising and/or the promotion of gambling of any form at Council owned or managed facilities.*

Suggested wording: Maintaining independence from the gambling industry by prohibiting advertising and/or promotion of gambling of any form at Council owned or managed facilities as well as prohibiting advertising/promotion of gambling by any club or group that receives council funding or uses council owned or managed facilities.

1.3.2 *Prohibiting any form of gambling, including online gambling, on Council owned and managed land.*

Gateway Health fully supports this.

Current wording: 1.3.3 *Discouraging the procurement of products and services from entities which derive revenue from gambling activities.*

Suggested wording: Prohibit procurement of products and services from entities which derive revenue from gambling activities (to be identified in Council Procurement policies).

Current wording: 1.3.4 *Minimising financial support or provision of grants for activities that take place in gambling venues.*

Suggested wording: Prohibit financial support or provision of grants for activities that take place in gambling venues. Also make it clear that council will not hold events in venues that have EGMs.

1.3.5 *Not accepting any new financial or in-kind contributions from the gambling industry.*

This point could be read as Council has historically, or currently, accepts financial or in-kind contributions from the gambling industry. If this is the case, a further action item to be included could be a plan to move away from this, including a specific timeframe.

1.4 *Work with community groups and organisations to reduce their financial dependence on revenue derived from gambling sponsorships and gambling activities.*

Gateway Health strongly supports this point. Council could work with clubs to assess any gambling activities they undertake and support members of community groups and organisations to complete gambling harm awareness training to ensure they understand Council's policy on gambling and how activities such as raffles and bingo can be carried out in a way that prevents harm.

One example of a program Council could promote is the Victorian Responsible Gambling Foundation 'Love The Game' program<sup>33</sup>. This is a program which aims to disrupt the normalisation of sports gambling by reducing the exposure of young people to sports betting promotions. Wangaratta Council could promote this program to clubs who use council owned and managed land, this program is already used by over 650 local sporting clubs and schools in Victoria.

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<sup>33</sup> Love the Game <https://lovethethegame.vic.gov.au>

## Section 2 - Partner and advocate

### *2.1 Support advocacy work targeted towards implementation of stronger and more effective harm minimisation measures.*

Although a core part of the scope and role Local government can play in minimising harm from gambling focuses on EGMs, councils can still be effective advocates and communicators about the dangers of all types of gambling and gambling advertising. This includes integrating strategies to address key gambling issues as stated in the policy feedback.

### *2.2 Collaborate with, and contribute to, other local government organisations, local government peak bodies and gambling networks to advocate for reform and develop state-wide advocacy strategies.*

The Municipal Association of Victoria (MAV) has joined with councils and many other organisations as a founding supporter of the Alliance for Gambling Reform<sup>34</sup>. Launched in October 2015, the Alliance seeks to campaign for reforms to the gambling industry to reduce harm from EGMs, and to protect disadvantaged communities from the infiltration of increasing numbers of poker machines. It is strongly recommended that Wangaratta Council join this Alliance to increase their capacity to address gambling related harm, one of the stated objectives of this draft policy. Further, at a recent MAV meeting of the State Council, a motion calling on the Victorian Government to introduce regulatory gambling harms was carried. This included a change to tightening up loop holes around what is considered to be 'community benefit'.

### *2.4 – Advocate for changes to the Community Benefit Statement that require the gambling industry to commit funds to addressing gambling-related harms in the community.*

Be more specific about what changes are required e.g. Council could advocate that all monies claimed under community benefit statements locally must be directly reinvested with community groups and community-led initiatives within the Rural City of Wangaratta local government area and used to address the precursors for or impacts of gambling harm.

## Section 3 - Plan and regulate -

With the outlined adjustments, Gateway Health can support the action items listed in this table.

### *3.1 Where appropriate, integrate strategies to protect the Wangaratta community from gambling-related harm into our strategic planning framework. This includes, but is not limited to, the Council and Health and Wellbeing Plans, Community Vision and the Rural City of Wangaratta Planning Scheme.*

Suggested change: add in specific timelines for reporting back to Councillors and community.

### *3.3 Implement effective leasing arrangements to prohibit gambling activities and advertising on Council owned or managed land.*

Gateway Health strongly supports this point. It could be further strengthened by clearly outlining exactly what education and enforcement of this will look like (refer to below council policies for examples).

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<sup>34</sup> Municipal Association of Victoria <https://www.mav.asn.au/news-resources/campaigns/previous-campaigns/pokies>

*3.4 Discourage new gaming operators and/or additional EGMs in communities vulnerable to gambling-related harm and in communities with limited access to non-gambling activities*

Suggested change: strengthen by altering 'discourage new gaming/additional EGMs' to similar language to 3.2 by making it clear Council will oppose new gaming/additional EGMs in those vulnerable communities

*3.5 Incorporate conditions in planning permits relating to the design and operation of gaming operators that enhance harm minimisation measures.*

The draft Wodonga Council Gambling policy has included the following planning provision which Gateway Health supports, and could be added to the Wangaratta policy.

*When considering new applications for EGMs, the venue is not located neighbouring or nearby an education facility or premise where the principal activities focus on persons under the age of 18 years.*

There are links between proximity to gambling venues and gambling involvement and harms. Evidence indicates that proximity matters: doubling the distance from one's residence to an EGM gambling venue reduces the likelihood of gambling on games offered in such venues. Residential proximity to gambling venues significantly increases financial hardship and mental health difficulties, especially for residents within very close distances<sup>35</sup>.

A further planning permit consideration relates to the placement of smoking areas and toilet facilities inside EGMs venues. Patrons should not be required to pass through EGMs areas to access these facilities.

Gateway Health strongly recommends that when Wangaratta Council is considering any proposal for additional or new EGMs, a comprehensive, independent, Social and Community Impact Assessment must accompany any such applications. This requirement should also be incorporated into the Planning Scheme.

The draft policy does not highlight Council's role in influencing opening hours of venues with EGMs. Restriction of operating hours is an established, best practice harm minimisation measure in gambling regulation<sup>36</sup>.

Critical actions, such as reducing the operating hours of EGMs must be taken to reduce and prevent gambling harm for the overall health and wellbeing of individuals, families and communities<sup>37</sup>. In line with best practice public health recommendations, the opening hours of gambling rooms that contain EGMs should be restricted between midnight to 10am<sup>38</sup>.

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<sup>35</sup> Victorian Responsible Gambling Foundation [https://responsiblegambling.vic.gov.au/documents/969/VRGF\\_RR-JUNE2021\\_Proximity\\_to\\_gambling\\_venues\\_gambling\\_behaviours\\_and\\_related\\_avlwmAe.pdf](https://responsiblegambling.vic.gov.au/documents/969/VRGF_RR-JUNE2021_Proximity_to_gambling_venues_gambling_behaviours_and_related_avlwmAe.pdf)

<sup>36</sup> Victorian Responsible Gambling Foundation <https://responsiblegambling.vic.gov.au/documents/640/Livingstone-identifying-effective-policy-interventions-June-2019.pdf>

<sup>37</sup> Australian Gambling Alliance, Opening Hours [https://www.agr.org.au/files/ugd/f3b93a\\_10049cd25ed24e53a146a94522294dca.pdf](https://www.agr.org.au/files/ugd/f3b93a_10049cd25ed24e53a146a94522294dca.pdf) and [https://responsiblegambling.vic.gov.au/documents/1030/VRGF\\_Reducing\\_gambling\\_harm\\_in\\_Vic\\_2022\\_FINAL\\_MARCHweb.pdf](https://responsiblegambling.vic.gov.au/documents/1030/VRGF_Reducing_gambling_harm_in_Vic_2022_FINAL_MARCHweb.pdf)

<sup>38</sup> Victorian Responsible Gambling Foundation, <https://responsiblegambling.vic.gov.au/documents/21/using-a-public-health-approach-in-the-prevention-of-gambling-related-harm.pdf>

Young people are increasingly being impacted by the harmful effects of gambling<sup>39</sup>. Victorian schools have reported that they are increasingly tackling the impacts of gambling on students' (as young as 10), education and brain development<sup>40</sup>.

Headspace and Gambler's Help, both based at Gateway Health, strongly advocate for reduced opening hours of spaces with EGMs.

On the 3rd October 2023, the Minister for Casino, Gaming and Liquor Regulation introduced, the *Gambling Legislation Amendment Bill 2023* to Parliament.

This amendment will enforce mandatory closure periods for all gaming machine areas in venues except Crown Casino between 4am and 10am every day from mid-2024, reducing gambling harm by giving people the chance to break from the dangers of endless play. It is the first major step taken by the State Government to reform gambling outside of Crown Casino, but much more still needs to be done to bring in regulation that will significantly reduce gambling harm in Victoria.

The Victorian Gambling and Casino Control Commission (VGCCC) "no net detriment" test, establishes clear requirements for assessing EGM applications, and this test should be integrated into Council's Gambling policy. The VGCCC Harm Minimisation Statement notes that "*The harm experienced by one person is not lessened by any associated benefits accruing to other people*"<sup>41</sup>.

*3.6 Incorporating conditions in planning permits that support the allocation or reallocation of community contributions related to gambling to Gambler's Help or relevant services aimed at reducing harm associated with gambling.*

It is important to clarify that Gateway Health and Gambler's Help funders, the VRGF, do not endorse or accept monetary community contributions for allocation or reallocation. This approach is grounded in ethics and integrity, with a clear view that Gambler's Help and gambling harm support services should not be directly financial supported by gambling industry providers as a means of 'offsetting' any harm resulted from gambling.

Gateway Health recommends directing the funds towards addressing population risk factors, precursors for gambling-related harm, or educational campaigns to raise awareness of gambling risks and harms.

#### Section 4 - Inform and engage

Commitment statement to incorporate a Public Health approach, which ensures Council will act by supporting initiatives to prevent gambling harm, reduce related harms, and minimise the impacts of gambling related harms.

*4.1 Respond to and support gambling-related research, data collection or government enquiries, 4.2 Continue to monitor gambling-related research, evidence, data, legislative or policy changes, and gambling trends, including harm prevention and minimisation, 4.3 Work with and support current EGM venues, relevant organisations, providers, agencies and initiatives to educate the Rural City of Wangaratta community on the overall negative public health impact of gambling and the risks involved with all forms of gambling.*

<sup>39</sup> Victorian Government <https://new.parliament.vic.gov.au/news/health/youthgambling/>

<sup>40</sup> Coroners Court Victoria & Monash University, Gambling-Related Suicide in Victoria, Australia: A Population-Based Cross-Sectional Study [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4442857](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4442857)

<sup>41</sup> Victorian Gambling and Casino Control Commission <https://www.vgccc.vic.gov.au/our-position-harm-minimisation#:~:text=Harm%20is%20preventable.,of%20harm%20or%20possible%20harm>

Gateway Health, which has expertise and experience in harm reduction related to gambling, would be happy to work in partnership with Wangaratta Council and other local stakeholders to define harm reduction goals as part of the action plans to implement these policies.

There are a number of programs available with the specific intention of addressing gambling related harm. Extend support to the harm reduction and prevention initiatives of the Victorian Responsible Gambling Foundation. These include an increased focus on fostering participation and cultivating partnerships during Gambling Harm Awareness Week, Community Engagement program activities and the Knowing the Score school education program<sup>42</sup>.

*4.4 Maximise opportunities for the community to provide their input into decisions made on planning permit applications and make submissions to the VGCCC on proposed gaming licences.*

Gateway Health supports this point. To make it clearer for both Council and community, more details about exactly how opportunities for input will be maximised this could be included in this section.

Below are examples of other Victorian council gambling policies that address evidence-based public health approaches:

- Nillumbik Shire Council, *Gambling Harm Minimisation Policy*<sup>43</sup>
- Wellington Shire Council, *Electronic Gaming Machine Policy*<sup>44</sup>
- City of Melton, *Gambling Harm Prevention and Reduction Policy*<sup>45</sup>
- City of Monash, *Public Health Approach to Gambling Harm Policy*<sup>46</sup>
- Wyndham City Council, *Gambling Harm Minimisation Policy*<sup>47</sup>
- Greater Dandenong, *Gambling Policy*<sup>48</sup>
- City of Ballarat, *Gambling Harm Minimisation Policy*<sup>49</sup>

Gateway Health recommend further defining the Policy and Action Plans to increase action at local and regional levels, vital to preventing negative impacts on individuals, families, and communities. A comprehensive public health approach to reduce gambling-related harms should involve coordinated upstream and downstream strategies, incorporating advocacy, information sharing, early intervention, and regulation.

To effectively address gambling harms, the Action plan's 4 pillars should detail actions to involve:

- understanding the prevalence and consequences,
- extending concern beyond the gambler to affected individuals, families, and communities.
- requires a commitment to public health, integrating it into strategic plans, setting meaningful outcome measures, and communicating this commitment to partners.
- local agencies should assess available assets and resources, encouraging a coordinated response.

<sup>42</sup> Knowing the Score [https://responsiblegambling.vic.gov.au/documents/902/VRGF-BAOTG\\_PDS-KnowingTheScore.pdf](https://responsiblegambling.vic.gov.au/documents/902/VRGF-BAOTG_PDS-KnowingTheScore.pdf)

<sup>43</sup> Nillumbik Shire Council <https://www.nillumbik.vic.gov.au/Council/Our-organisation/Strategies-policies-and-plans/Health-and-wellbeing>

<sup>44</sup> Wellington Shire Council <https://www.wellington.vic.gov.au/policies/electronic-gaming-machine-policy>

<sup>45</sup> City of Melton <https://www.melton.vic.gov.au/Council/Publications/Documents-Reports-Strategies>

<sup>46</sup> City of Monash <https://www.monash.vic.gov.au/About-Us/Corporate-Strategies-Plans/Plans-and-Strategies/Public-Health-Approach-to-Gambling>

<sup>47</sup> Wyndham City Council [www.wyndham.vic.gov.au/sites/default/files/2018-06/Gambling%20Strategy\\_Final.pdf](http://www.wyndham.vic.gov.au/sites/default/files/2018-06/Gambling%20Strategy_Final.pdf)

<sup>48</sup> Greater Dandenong <https://www.greaterdandenong.vic.gov.au/gambling-policy>

<sup>49</sup> City of Ballarat <https://www.ballarat.vic.gov.au/city/my-community/gambling-harm>



- raising awareness through compelling narratives and involving those affected is crucial, as many do not recognise gambling as a health harm.
- A 'whole council' approach, integrating with broader and co-relating issues like homelessness and poverty, alcohol and tobacco, family violence is essential in tackling gambling-related harms.

Given the complex nature of gambling harm, an integrated, place-based approach is crucial, involving both statutory and non-statutory sectors, along with communities. Lessons from managing other public health concerns, like alcohol and tobacco, can inform strategies, acknowledging the unique characteristics of gambling, such as rapid technological advances and growth of gaming and on-line gambling is essential to harm minimisation policy. Shifting the focus from 'personal responsibility' to population-level social, economic, and environmental interventions is also essential.

In conclusion, Gateway Health is prepared to actively engage and proposes that the Council collaborates with stakeholders to implement a place-based approach to further define harm reduction actions for inclusion across the 4 pillars in the Action Plan.



**ALLIANCE FOR  
GAMBLING REFORM**

## **Response to Rural City of Wangaratta Draft Gambling Policy & Action Plan**

ALLIANCE FOR GAMBLING REFORM

*December 2023*



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## Introduction

The Alliance for Gambling Reform is a national peak body which represents a collaboration of organisations with a shared concern about the harmful aspects of gambling and its normalisation in Australian culture. We are a registered health promotion charity. The Alliance supports public policy and regulatory regimes that make Australia a safer, healthier, and more equitable society by reducing the level of gambling harm.

We work closely with our [Leadership Councils](#) to support local measures that reduce and prevent gambling harm such as gambling harm prevention policies and advocate for gambling reforms on a state and national level. Local government policies that have a clear commitment to prevent and reduce gambling harm in their communities are an important lever for councils.

We are keen to support you with the implementation of a robust policy to offset these losses and consequent harms in the Wangaratta community.

### ***Sentiments of Leanne<sup>1</sup> a Person with Lived Experience of Gambling Harm***

Leanne has been in recovery for five years from the harms of gambling.

*I had never been a gambler. I went on a holiday with my husband and visited a gambling venue. I was instantly addicted. Over ten years it just increased to the point where gambling had taken over my life. It affected my finances and mental health. After five years in recovery, I still see myself as, potentially, a gambling addict. It's like being an alcoholic, you are always one drink away.*

Leanne believes that banning ATM withdrawals, would have helped.

*If you had to go to an ATM somewhere, you may not return to the venue. The thing with gambling is you might go in there saying you'll only spend \$40, but you won't.*

When asked what she thought about gambling venues that “give back” to the community via sports clubs and sponsorships, which she dismissed as “spin”. She said:

*It doesn't in any way make up for the social damage caused by gambling. It's more than just the person gambling. It's the family. It's the children going to school without food. It's people suiciding.*

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<sup>1</sup> Name changed for privacy reasons



Local Wangaratta Context

The Draft Scope of the Policy notes that the electronic gaming machines (EGMs) are *the predominant source of financial loss in Australia*. The Draft Policy and Action Plan incorporates data that aligns with the most significant gambling losses in Australia.

The Alliance understands that the Wangaratta community has been faced with large increased losses from poker machines over the last few years, as demonstrated in the following data, as at July 2023:

	2022/23	2018/19**	Amount	% Change
EGM Gambling Losses 2022/2023	\$10.874 million	\$8.873 million	+ \$2 million	22.5% increase
EGM Gambling Losses per day	\$29,792	\$24,310	\$5,481	
Average losses per EGM	\$70,611	\$57,619	\$12,992	
Average losses per venue	\$2.718 million	\$2.218 million	\$500,000	
Average loss per machine per day	\$193	\$157	\$36	

\*\* NB: Current data has been compared to pre-covid figures (2018/2019 FY), to remove the variances associated with Covid lockdowns.

This 22.5% increase in gambling losses, over the last four years, is catastrophic for the Wangaratta community, and the Alliance commends the municipality for commencing this policy work and its associated actions, to minimise harm.

Not only is there obvious financial harm (as well as family, social and psychological harms), these losses represent opportunity costs for the Wangaratta community (for both small businesses and individuals).



## *Intersectionality*

Gambling has long been known to bring about further health inequality. To understand the impact of gambling across our diverse community, the Alliance supports the further consideration of intersectionality within the policy. For the purposes of this feedback, intersectionality shall refer to the idea that individuals can be marginalised or disadvantaged due to their identity or social characteristics; attitudes of the community, systems or structures<sup>2</sup>. Currently, there are opportunities within the draft to reconsider the impacts of gambling and its associated structures and its impacts on people from marginalised backgrounds, including but not limited to:

- First Nations People
  - 'Existing studies indicate that Aboriginal people experience disproportionate harm from gambling, with greater proportions of Aboriginal people meeting criteria for problem gambling than is evident in population groups<sup>3</sup>.
- Refugee or asylum seeker background
  - 'CALD communities within developed nations—including Australia—tend to participate in gambling less than the overall population, but those who do gamble are more likely to experience problems<sup>4</sup>.
- A persons' mental health
- Language
- Ability
- Geographic location
- Housing Status
- Socioeconomic status<sup>5</sup>

Additionally, when applying an intersectional lens, if many characteristics combine, even without gambling harm:

- there is greater risk of people experiencing family violence
- people find it harder to get the help they need due to systemic barriers (hence, perpetuating their experiences); and
- there is increased risk of social isolation<sup>6</sup>

<sup>2</sup> Understanding Intersectionality, Victorian Government, 8 Feb, 2021, <https://www.vic.gov.au/understanding-intersectionality>

<sup>3</sup> MacLean, S., Maltzahn, K., Thomas, D., Atkinson, A., and Whiteside, M, 2019, <https://link.springer.com/article/10.1007/s10899-019-09858-9>

<sup>4</sup> AIFS, Gambling in CALD Communities in Australia, 2016, <https://aifs.gov.au/research/research-snapshots/gambling-culturally-and-linguistically-diverse-communities-australia>

<sup>5</sup> <https://www.vic.gov.au/understanding-intersectionality>

<sup>6</sup> <https://www.vic.gov.au/understanding-intersectionality>



When overlaying gambling harm to these dynamics, there is further potential to amplify poor outcomes for people.

Additionally, it is important to acknowledge the temporal relationship that exists between gambling and mental health. *In some cases, the mental health condition could be a risk factor for problem gambling, while in others the gambling behaviour precedes the mental health issue. It could also be the case that comorbid problem gambling and mental health conditions are part of a complex set of relationships that include a third condition (such as trauma or an acquired brain injury)*<sup>7</sup>.

## Responding to the Draft Gambling Policy

### *Positive Considerations within the Draft Policy*

The Alliance for Gambling Reform (hereafter 'The Alliance'):

- Supports that the Responsible Officer for the Policy sits within a Public Health / Community Services setting; consistent with gambling harm being a public health issue.
- Endorses the use of words such as: 'protecting the Wangaratta community from gambling harm', as it acknowledges the need for robust protections to be put in place to minimise harm, as a result of harmful products.
- Commends the proposed endorsement of an associated Action Plan (with the Policy).
- Suggests incorporating best practice principles into the Action Plan, to assist in embedding the policy into the organisation and dually produce targeted and measurable outcomes to minimise harm.
- Acknowledges the Definitions Section of the Policy, which has a clear harm minimisation and public health focus.

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<sup>7</sup> VRGF Submission to Victoria's Royal Commission into Mental Health, July 2019, <https://responsiblegambling.vic.gov.au/resources/publications/submission-to-the-royal-commission-into-victorias-mental-health-system-650/>, p.6



### *Strengthening the Draft Policy through Language*

In terms of orienting dialogue about gambling harm, there are distinctions that can be created through language, as outlined in the [Alliance's language guide](#). Language that is centred on harm; that minimises the gambling industry rhetoric of associating use of products as fun; that centres the responsibility on industry / government / harmful products, instead of people, is best practice.

There are a number of opportunities for the Rural City of Wangaratta to review wording within its Draft Policy and Action Plan. The first example is in the naming of the policy:

**Name of Policy:** Consider changing the name of the policy to: Minimising Gambling Harm Policy or utilising the word 'harm' in the title. The use of the word gambling alone, does not articulate the objectives or commitment of Council to altering the status quo.

Throughout this submission, other opportunities to tighten or strengthen language, will be highlighted.

Firstly, let's consider the Draft Policy.

### *Responding to Statement and Purpose*

From a policy perspective, a local government policy would ideally be aiming to state its own objectives, as an addition to other state or federal regulations. The Alliance therefore, suggests that any background information in relation to local government's statutory responsibilities (sentence 2), be located within a context section (rather than a policy purpose section).

Of the four objectives of the policy, the Alliance suggests altering the wording of three (*continued on next page*):





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Objective	Comments	Suggestions
<i>Objective 1: 'Protect those most vulnerable to the social and economic harms caused by gambling.'</i>	It can be difficult to specifically determine the actual demographics of those that are most harmed by gambling. Research continues to emerge on this; and as gambling products diversify and specialise, arguably, there are constant attempts to market to a wider range of demographics and broaden the catchment of those who might use harmful gambling products.	It is ideal to broaden the umbrella and consider that all people, depending on their current life circumstances, could be significantly affected by harmful gambling products. As such, the Alliance recommends the wording: <i>Protect people from the social, psychological and economic harms caused by gambling.</i>
<i>Objective 2: Maximise opportunities for gambling activities to deliver social and economic benefits.</i>	<p>The Alliance believes that whilst re-directing some of the revenue for gambling harm, towards community programs and projects, does create some positive outcomes; it does not minimise gambling harm.</p> <p>The Alliance asserts that there is no mutual/collective gain, in offsetting the cost of poor outcomes for one part of the community, with supposed opportunities for another group.</p> <p>Additionally, there are minimal opportunities for local government to determine/control how profits from these venues are spent within the community. [It is noted that there is some funding available (by competitive applications) through the State Government Community Support Fund].</p>	<p>The Alliance recommends that such statements should ideally sit outside of a gambling harm policy.</p> <p>Wangaratta's policy, if it is aiming to be best practice, should focus on harm minimisation.</p>



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<p><i>Objective 3: 'Strengthen our partnerships with organisations that provide services to people directly and indirectly affected by gambling-related harm.'</i></p>	<p>It is difficult to ascertain the effectiveness of programs that improve outcomes for people impacted by gambling harm. Due to the stigma and discrimination associated with the use of these harmful products, many people can be reluctant to divulge their experiences (be it the person utilising the product or an impacted family member or support person). General community programs, are not best placed to understand or gauge the effectiveness of such programs/services, given the insidious nature of the impact and harms created. Additionally, many local governments run general community programs; that are not targeted to the distinct needs of someone recovering.</p>	<p>The Alliance recommends removing wording in relation to services that indirectly support those impacted within the draft policy objective; but supports the concept of partnering more strongly with Gateway Health and their programs.</p>
<p><i>Objective 4: Strengthen the community's capacity to understand the risks and impacts of gambling-related harm.</i></p>	<p>The Alliance supports this statement, although the Action Plan would need concise items that aim to achieve this (as, at times, it can be difficult to target appropriate audiences to achieve this outcome).</p>	



## Response to “2. Policy Scope”

There are a number of opportunities within the Scope of the Draft Policy to more strongly articulate what the policy is aiming to address.

In terms of the first few paragraphs:

Paragraph	Comments
Paragraph 1: <i>The Policy outlines Council's position on gambling and will guide Council's roles and responsibilities in relation to all forms of gambling within the Rural City of Wangaratta.'</i>	<p>The Alliance endorses a commitment to minimising and preventing harm for all forms of gambling, but currently there are few references in the policy that relate to all forms of gambling.</p> <p>The Alliance welcomes the opportunity to assist Wangaratta Council with ways they can advocate around all types of gambling (i.e. to include ways to advocate for online gambling reform; or other products).</p>
Paragraph 3: <i>The Victorian Gambling and Casino Control Commission is responsible for the regulation of all forms of gambling, including EGMs. Under the Planning and Environment Act 1987 and the Rural City of Wangaratta Planning Scheme, Council has the capacity to regulate the location and operation of EGMs and consider the social and economic impacts of EGMs. Council can also ensure active participation by the community in planning permit decisions and has the opportunity to represent the community's views on applications for gaming licences under the Gambling Regulation Act 2003.</i>	<p>In relation to paragraph 3, Council has not stated its commitment to minimising the harms, stating that it would: include community views or 'consider' impacts of EGMs. The Alliance supports clearer and more concise wording, to remove ambiguity and misinterpretation of Council's commitments.</p> <p>Council has an obligation to consult with its community, in relation to EGMs, as it would any other policy. As such, the mentioning of active engagement is best placed within a community engagement process, rather than a gambling harm policy; given that Council has an obligation to encourage active engagement across all of its policies and strategies (i.e. this item is no different).</p>



*Considering the Four Pillars:*

PILLAR	COUNCIL’S COMMITMENT
1. Manage and support	<ul style="list-style-type: none"><li>Council will manage gambling activities on Council owned land, build the community’s capacity to engage in healthy lifestyles and support the gambling industry to reduce its reliance on revenue derived from gambling.</li></ul>
2. Partner and advocate	<ul style="list-style-type: none"><li>Council will advocate on behalf of the Wangaratta community to protect it from gambling-related harm and partner with service providers and agencies to increase access to support for people affected by gambling-related harm.</li></ul>
3. Plan and regulate	<ul style="list-style-type: none"><li>Council will fulfill its statutory and land-use planning obligations to regulate gambling activities in the municipality and reduce the incidence of gambling-related harm.</li></ul>
4. Inform and engage	<ul style="list-style-type: none"><li>Council will support initiatives that increase the community’s awareness of the risks and impacts of gambling-related harm.</li></ul>

The Alliance is highly supportive of designing the policy in a consistent way (to other Wangaratta policy), and the four categories are ideal in terms of the tiers needed to create change and engage community. There are however ways the Commitments can be re-considered, to ensure that they move beyond business-as-usual, and in to the domain of action, accountability and leadership. The following details the Alliance’s suggestions:

- 1. Manage and support:** The Alliance suggests that this proposed item would ideally be edited or removed from a gambling harm policy. This item conflicts with the Policy’s stated endeavours of protecting the community from harm. This item appears to be a ‘business-as-usual’ statement; and proposes to have impact in relation to supporting private businesses to decrease their revenue from, and reliance on, harmful gambling products, something that local government is mostly unable to achieve or enforce. Additionally, the item does not state how it will phase or re-consider its management of gambling activities on Council owned or managed land, over time.
- 2. Partner and advocate:** The Alliance supports protecting people from harm but requests clear statements regarding strategic commitments (including to state and federal governments, and between LGAs), within this section.



In terms of partnerships with service providers, that increase supports for people impacted by gambling harm, this is something that needs careful consideration as to including at all. Individuals can be reluctant, within a general community group, to share the issues fully impacting them, and as such, the achievement of these goals are hard to measure, therefore not fitting within a SMART goal methodology. Many Councils do not have the ability to measure a community's engagement in, or provide referrals to services, that directly support people impacted by harmful gambling products.

- 3. Plan and regulate:** The wording of this Pillar relates to standard items for Council, as such the Alliance recommends removing from the policy. The Alliance endorses the concept of this section being re-oriented to an internal policy and enforcement focus; whereby stronger intra-Council units collaborate to achieve changes in Council signage policies, community facility lease policies and local laws; to truly deliver changes, in terms of how public spaces are utilised. Any actions that eliminate the normalisation of harmful gambling products within community settings, is welcomed.
- 4. Inform and engage:** The Alliance recommends including concise commitments, where there is a clear correlation between the pillar and addressing gambling-related harm. It is difficult to understand the effective strategies or activities that could be implemented to minimise harm, with the current wording. A SMART Goals approach would be ideal.

### *Response to '3. Policy' Section*

The Alliance supports a policy that has clear and measurable parameters and statements (SMART approach), with the following recommendations:

- Avoid information that is commonly known, e.g. it is known that *gambling is a legal form of entertaining*; and *that is associated with some benefits*. The emphasis must focus on the impact, the approach of Council, and removing any language that there is a gain associated with these harmful products.
- Strengthen wording to more clearly articulate Council's commitment to internally and externally to reduce gambling harm.
- Incorporate concise sentences (including editing existing sentences):
  - Council acknowledges that gambling causes significant harm to communities (edited paragraph 1).
  - Council will advocate for halting any increase in EGM quantities across the municipality (edit of paragraph 2).



- Council will be a leader in advocating to Federal and State Government and adjacent local governments, to implement harm reduction approaches, policies and legislation amendments (edit of paragraph 2).
- Council will adopt a public health and whole of community approach, in terms of gambling harm. This includes the application of Council processes and systems that recognise the social, economic and environmental determinants of harm (edit of paragraph 3).
- Council is committed to reframing gambling-related harm in terms of language use; placing the responsibility of harms with the products, the industry and with government (not individuals); and removing any reference to fun and play (edited paragraph 4).
- The Alliance supports paragraph 5, with the following edit: rather than 'Council commits to working with clubs to reduce their dependency on gambling revenue...'; Council will develop systems and processes (with a date) that halt the promotion of gambling products and services offering gambling products, within community services and sports clubs operating on or leasing Council-owned or -managed land (including signage/sponsorship/events funding et al). The Alliance understands the need to maintain lower risk items such as raffles.

### *Comments on '6. Community Consultation'*

The Alliance strongly supports broad community consultation, as highlighted within Section 6 however, this information can be provided within the Council report, that endorses the policy, rather than within the policy itself.

### *Comments on '7. Human Rights'*

The Draft Policy states that Council has considered and complies with the Victorian Charter of Human Rights and Responsibilities 2006. Item 17 of the Charter 'Protection of families and children' states that: *Families are the fundamental group unit of society and are entitled to be protected by society and the State*<sup>8</sup>. *'For every one person with a gambling problem, it is estimated that five to ten other people are affected by it'*<sup>9</sup>.

*At least 184 suicides in Victoria were directly related to gambling and 17 other suicides were by affected others such as family members (between 2009 and 2016)*<sup>10</sup>.

<sup>8</sup> Charter of Human Rights and Responsibilities Act 2006, p.14

<sup>9</sup> Australian Psychological Society, *Gambling-related harm*, <https://psychology.org.au/community/advocacy-social-issues/gambling-related-harm>

<sup>10</sup> Financial Counselling Australia, 2023, <https://www.financialcounsellingaustralia.org.au/study->



### *Comments on '8. Gender Impact Assessment'*

In order for respondents to the draft policy to fully understand how the Gender Impact Assessment Template (an obligation within the Gender Equality Act 2020 (Vic)) has been considered and applied, the Alliance welcomes the sharing of this information, within the policy. Such an approach assists with transparency and enables stakeholders to understand the nature of this important work, and its relationship to minimising harm.

## Other Opportunities to Strengthen the Draft Policy

### *Council Leadership*

The Alliance recommends wording that demonstrates leadership from a public health perspective:

- Prohibit EGMs and any gambling activities in Council owned and managed facilities.
- Prohibit advertising and signage within Council facilities and reserves, that promotes gambling participation.
- Prohibit the holding of events in Council facilities, that are funded by businesses selling harmful gambling products.
- Ensure wording exists within ethical procurement policies, that prohibit purchasing from suppliers associated with gambling harm.
- And to complement these actions, the implementation of a capacity building program to educate the community on alternative funding streams available.

### *Advocacy*

The Alliance recommends the application of SMART goals (or similar) within the policy, in terms of the advocacy and partnerships it is aiming to create or deliver.

At a minimum, the names of networks/ agencies/ bodies/ government/s that Wangaratta Council plans to advocate with or to; to ensure that resources and strategic commitments/partnerships are applied/activated. This ensures that Councillors and Council Officers understand the breadth of the advocacy work that is supported by Council. An additional way of advocating in a broader way, for change, is through membership with the Alliance for Gambling Reform.

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[gambling-related-suicide/](#)



### *Implementation*

The Alliance endorses the creation of systems that embed this policy work, including (but not limited to):

- Determining inter-Council Service Unit responsibilities that will need to exist (or that will need strengthening) to deliver on goals (particularly between Statutory Planning, Enforcement/Local Laws, Sport and Recreation and Social Policy/Community Development); including an accountability/governance framework. This may require the implementation of a gambling harm working group to steer the work.
- We also urge an inclusion in the policy (or a commitment to development work) that empowers officers to enforce the policy and explains what enforcement action will be taken.
- It is recommended that the Action Plan is endorsed with an associated budget, to assist with implementation, and to demonstrate Council's commitment to this important work.

### *Policy Review & Duration*

Given Council's understanding of this complex and harmful issue within the Wangaratta community, the Alliance recommends endorsing this policy, with a date (i.e. 2023 to 2026; preferable three years), as a foundation for Council to build on this important work, given the constant change to technology and systems and resulting harms that occur, within this sector. This provides the opportunity for accountability and to build on the momentum gained through the life of this policy.

The second component of this submission is the response to the Draft Gambling Action Plan, as well as considering the option to be part of a formal channel/organisation that leads gambling reform.





## Response to Gambling Action Plan

### *General Comments*

The Alliance wholeheartedly welcomes the endorsement of an Action Plan with the Gambling Policy.

### *Strengthening the Draft Gambling Action Plan*

Similar to the suggestion for the Draft Policy, the Alliance believes the Action Plan can be strengthened by the utilisation of the word 'harm' or 'harm minimisation' within its title.

**Location of Information:** The Alliance recommends considering where information is located, between the policy and action plan. Ideally pages 3 to 6 (the information that details the policy context and current Wangaratta circumstances) would be included within the Policy document.

**Action Plan Scope:** refer previous comments (included above, in Policy response) regarding possible amendments to the Policy Scope.

### *Opportunities to Improve the 'Strategies and Actions' Section (of Action Plan)*

There are ways that the Action Plan can be strengthened, to assist in achieving the goal of minimising gambling harm.

[Please also refer to comments on the Scope and Four Pillars above].



### Comments on 'Strategy 1. Manage and Support'

Action Item	Comment
1.1 Continue to promote a variety of non-gambling events, activities and programs that encourage residents to lead active and healthy lives.	Generally speaking, actions that aim to enhance healthy lifestyles are important, in terms of local government and their priorities. In the context of gambling harm, it can, however, be difficult to measure the effectiveness of this proposed action. This item would ideally be located within a Municipal Public Health Plan, where generally healthy lives is the focus. Ideally, a Gambling Harm Action Plan has the specific opportunity to focus on items that have measurable or direct outcomes.
1.2 Actively promote the conduct of Rural City of Wangaratta activities, social outings, meetings or municipal events at venues that don't provide any form of gambling except for commemorative events such as ANZAC Day, Vietnam Veteran's Day, and Remembrance Day commemorations, fundraising events that support disadvantaged groups in the community, and events that provide recognition for volunteers.	This item is ideally located within a community events policy. Ideally, this plan, can focus on purposeful, proactive and measurable outcomes, to reduce gambling harm.
1.3 Maintain independence from the gambling industry by: <ul style="list-style-type: none"> <li>• prohibiting advertising and/or the promotion of gambling of any form at Council owned or managed facilities;</li> <li>• prohibiting any form of gambling, including online gambling, on Council owned and managed land</li> </ul>	The Alliance strongly supports this Action Plan Item, with the following suggestions: <ul style="list-style-type: none"> <li>○ Include a further breakdown of (a) the timing for prohibiting advertising on Council owned or managed facilities; and (b) the process, i.e. development of a working group to implement/manage actions.</li> <li>○ Consider including: 'Develop a policy (or addendum to existing policy) in relation to prohibiting the hiring of Council facilities, to organisations that sell harmful gambling products.' Include the timelines for endorsement.</li> </ul>



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<ul style="list-style-type: none"> <li>• <i>discouraging the procurement of products and services from entities which derive revenue from gambling activities</i></li> <li>• <i>minimising financial support or provision of grants for activities that take place in gambling venues</i></li> <li>• <i>not accepting any new financial or in-kind contributions from the gambling industry</i></li> </ul>	<ul style="list-style-type: none"> <li>○ Consider including: 'Prohibit the holding of events in Council facilities, that are funded by businesses selling harmful gambling products.' Additionally, include information about the implementation of this new approach (including working group creation, timeline for achieving, and possible creation of regional or local services list, to assist Council officers in knowing providers/businesses).</li> <li>○ Consider editing wording (dot point 3 above): Replace 'Discourage' with 'Prohibit'. Additionally, include details around a process for achieving this, with timelines.</li> <li>○ Dot point 4 (above): replace 'Minimise' with 'Prohibit'. Include information about process for implementation of this.</li> <li>○ Review Council's Social / Ethical Procurement Policy and Procedure, to prohibit purchasing from companies that sell or are associated with gambling harm.</li> </ul> <p>Given the volume of changes that this may represent for Wangaratta, it might be preferred to establish one Gambling Harm Working Group, to steer all of these improvements.</p>
<p><i>1.4 Work with community groups and organisations to reduce their financial dependence on revenue derived from gambling sponsorships and gambling activities.</i></p>	<p>The Alliance endorses the implementation of a capacity building program to educate the community on alternative funding streams available.</p>
<p><i>1.5 Seek external funding opportunities that will contribute towards protecting the Rural City of Wangaratta community from gambling-related harm.</i></p>	<p>The Alliance supports external funding submissions to contribute to capacity building of its staff, contractors, Councillors, and partners. Funding that establishes programs for people that could potentially have been harmed by gambling, is sometimes not as effective as programs (State-funded or NGO-run) that specifically</p>



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	<p>tailor to and meet the needs of those affected by gambling.</p> <p>Best Practice Harm Reduction Policies and approaches point to the systems and structures that propel gambling harm, rather than it being something that an individual needs to fix within themselves, and additionally, it is difficult to ascertain the effectiveness of such measures.</p> <ul style="list-style-type: none"><li>○ <i>‘These activities are often delivered as part of council health and wellbeing plans, but are very difficult to target to people experiencing gambling harm. Leave them in your health plan, don’t make them a major part of your gambling policy and action plan unless the strategies are specific to gamblers or gambling venues’<sup>11</sup>.</i></li></ul>
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<sup>11</sup> The Role of Local Government Policy, Victorian Local Governance Association, [f3b93a\\_fe28b0b836504468a33feb8beaffb19a.pdf \(agr.org.au\)](https://www.vlga.org.au/files/f3b93a_fe28b0b836504468a33feb8beaffb19a.pdf)



### *Comments on 'Strategy 2. Partner and Advocate'*

The Alliance commends Wangaratta Council for acknowledging the significance of partnership and advocacy in minimising and addressing the harm created by gambling products. Given that three tiers of government are responsible for the policy and legislation in relation to gambling products, advocacy and partnership is a key method for instigating change. In order to fully realise some of the intentions of the Rural City of Wangaratta's Draft Policy and Action Plan, the Alliance recommends the following for Section 2 (Action Plan):

NB: the application of SMART goals ensures that Council officers and Councillors know their parameters from an advocacy and partnership perspective. This can be applied in Actions 2.1 to 2.4.

Action Item	Comment
2.1 <i>Support advocacy work targeted towards implementation of stronger and more effective harm minimisation measures.</i>	Consider re-wording: Support harm minimisation advocacy (by Councillors and Council Staff) to federal and state government, including (but not limited to): submissions to VGCCC; opportunities to provide feedback in relation to legislation and policy changes (State and Federal).
2.2 <i>Collaborate with, and contribute to, other local government organisations, local government peak bodies and gambling networks to advocate for reform and develop state-wide advocacy strategies.</i>	The Alliance supports wording that provides clear parameters. This could include supporting the work of neighbouring councils, to enhance combined regional approaches, in reducing harm. Additionally, it is important to name the networks that Wangaratta is committed to attending. This allows the assignment of resources/staffing to attend and enact outcomes from these forums.
2.3 <i>Advocate for a greater share of the State Government Community Support Fund to be directed to initiatives that build the Wangaratta</i>	The Alliance supports any local government's attempts to access funding that enhances the health and amenity of a municipality. It is the Alliance's preference that these items are included within other Strategic Funding Strategy/Approach, rather than the Gambling Harm



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<i>community's capacity to engage in healthy lifestyles and protect the Wangaratta community from gambling-related harm.</i>	Policy/Action Plan. In and of, themselves, this funding does not minimise harm.
2.4 Advocate for changes to the Community Benefit Statement that require the gambling industry to commit funds to addressing gambling-related harms in the community.	<p>The Alliance supports the Rural City of Wangaratta's advocacy commitment in relation the Community Benefit Scheme (CBS). A SMART goal approach can be adopted within this item.</p> <p>Ideally, this would include references to abolishing Class B and C. Class B of the CBS can include the running costs of the venue; and Class C can be applied to activities considered community benefits<sup>12</sup>. The significance of this, is that operators can provide items to clubs or community groups that promote their venue, that are held in their venue or that cover a venues operating costs. This therefore is a vehicle for a venue's increased revenue, and which further normalises gambling to the community group that the CBS attempts to benefit.</p> <p>Class A is the only category of the CBS that resembles an actual community contribution. However, this item is still problematic as there is no stipulation that this contribution is cash. The Alliance supports cash only contributions for Class A and the removal of Class B and C.</p> <p>Further, the Alliance asserts that venues and recipients should not be able to promote their Community Benefit contributions. Drawing attention to this scheme, arguably highlights that there is a potential net community gain as a result of these harmful products.</p>

<sup>12</sup> Community Benefit Statements FAQs, VGCCC, [faq\\_community\\_benefit\\_statements.pdf \(vgccc.vic.gov.au\)](https://www.vgccc.vic.gov.au/faq_community_benefit_statements.pdf)



### *Comments on 'Strategy 3. Plan and Regulate'*

The Alliance endorses Wangaratta Council's commitment to regulating and embedding harm minimisation strategies within Section 3. There are three opportunities to strengthen the wording in this section:

Action Item	Comment
<i>3.2 Oppose a proposal for a new gaming operator or increase in the number of EGMs in an existing venue if a rigorous social and economic impact assessments indicates it will have negative social and economic impacts on, and minimal community benefit for, the community of the Rural City of Wangaratta.</i>	It is recommended that there is wording included that resources will be utilised to engage an external social or economic impact assessment agency to complete a social and economic impact assessment. This ensures that Council has engaged in due process to determine its position.
<i>3.3 Implement effective leasing arrangements to prohibit gambling activities and advertising on Council owned or managed land.</i>	In addition to prohibiting gambling activities and advertising on Council owned or managed land, Council could also include: <ul style="list-style-type: none"> <li>o a commitment that tenants are prohibited from using a Council venue for an event that is subsidised or sponsored by a business that sells harmful gambling products.</li> </ul>
<i>3.4 Discourage new gaming operators and/or additional EGMs in communities vulnerable to gambling-related harm and in communities with limited access to non-gambling activities.</i>	<ul style="list-style-type: none"> <li>o Replace the word 'discourage' with 'advocate to prohibit'.</li> <li>o The Alliance recommends removing 'vulnerable to gambling-related harm and in communities with limited access to non-gambling activities'. From a harm minimisation perspective, it is important to note that all communities (directly and indirectly) are negatively impacted by harmful gambling products. Additionally, it is mostly impossible to decipher who might be susceptible to harm, depending on people's life experiences, anyone can be vulnerable to these harmful products.</li> </ul>



	Many people with lived experience of gambling harm state their sentiments of never thinking it was something they would ever be drawn in to.
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Comments on ‘Strategy 4. Inform and Engage’

The Alliance supports Wangaratta Council’s commitments within Section 4. For strengthening purposes, the following is recommended:

Action Item	Comment
4.1 Respond to and support gambling-related research, data collection or government enquiries.	Utilising a SMART goal approach, this item could ideally be adjusted to incorporate the approach to be adopted, with possible options: <ul style="list-style-type: none"><li>○ Communicate within Council and to relevant external stakeholders about gambling harm research, data or government enquiries.</li><li>○ Prepare Councillor briefing document of research findings.</li><li>○ Prepare formal Council responses to government in relation harmful research findings.</li></ul>
4.3 Work with and support current EGM venues, relevant organisations, providers, agencies and initiatives to educate the Rural City of Wangaratta community on the overall negative public health impact of gambling and the risks involved with all forms of gambling.	Whilst the Alliance welcomes any strategies by EGM venues to educate the community in relation to gambling harms, this Action Plan would ideally focus on specific, measurable and achievable goals, and as such, it is recommended removing this part of the wording.





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In finalising its submission, the Alliance would like to detail opportunities to achieve best practice in terms of minimising gambling harm and the possibility of emerging as a leader within gambling reform.



## Membership with Alliance for Gambling Reform

Gambling is a complex and ever-changing area and council officers often have several portfolios. The Alliance for Gambling Reform (AGR) is the peak agency that supports local governments in minimising gambling harm. Currently, there are 23 [Leadership Councils](#) that support AGR in its work.

To support councils developing a strong approach to harm prevention we offer;

- Learning and development opportunities for officers and councillors to develop knowledge of gambling regulations, research, statistics and best practices for preventing harm
- Support to develop submissions to inquiries such as royal commissions, Public Accounts and Estimates Committee and other government consultations
- Assistance to develop or revise council gambling harm prevention policies, and consideration of planning scheme amendments
- Access to Alliance policies developed using latest research, and informed by our Voices of lived experience
- The Alliance for Gambling Reform's Supporter Manager, Rebecca Paterson, welcomes conversations with relevant stakeholders (Councillors or Council Staff) in relation to membership.

## Current Best Practice Directions

To assist RCOW in understanding the strategic activities that are occurring to reduce gambling harm, the following projects / policies and activities are underway or ongoing (by the Alliance for Gambling Reform and its partner organisations; and other peak harm reduction agencies):

- Advocating for the Victorian Government to amend the Gambling Regulation Act 2003 (Vic)<sup>13</sup>, to more greatly require decision-makers to consider the social and economic impacts and the increasing densities of EGMs on vulnerable communities; to prohibit new or increased EGM applications; and to enhance the responsibilities in relation to Community Benefit<sup>14</sup>.
- Advocating for the prohibition of television gambling advertising (or, at a minimum, tightening of the hours and platforms this is an option).

<sup>13</sup> *Gambling*, Municipal Association of Victoria, [Gambling | MAV website](#)

<sup>14</sup> *Gambling Regulation Act 2003*, MAV, [Gambling Regulation Act 2003 | MAV website](#)



- Continual advocacy in relation to decreased EGM venue opening hours; and mandatory pre-commitment regulations and their associated functionality (cut-off timeframes, amounts et al).
- Online gambling reform, particularly focusing on access by young people (at times, the vehicle/segue being gaming).
- Increased transparency and timeliness in relation to donations to political parties from the gambling industry.
- Advocating against facial recognition technology in venues (industry-promoted as being a vehicle to minimise harm, but has the greater risk of being used to directly target consumers for marketing to increase harm).
- Increasing opportunities for Voices for Gambling Reform, people with lived experience, to be connected to and integral to reform and policy agenda.
- Case-by-case advocacy for new EGM applications or increased EGM volume within existing venues.
- Advocating for tightened protections within self and third-party venue exclusion systems.

### *Best Practice Policy Examples*

It is important to highlight the work of other local government areas in Victoria whose work represents Best Practice, in minimising harm, these are:

- Hobsons Bay City Council – Gambling Harm Prevention Policy Statement 2023
- Monash City Council – Public Health Approach to Gambling Harm Policy 2022
- Darebin City Council – Electronic Gaming Machine Policy 2018-2022

Finally, the Alliance urges Wangaratta Council to include in your policy a commitment to provide professional development for council staff that develops an understanding of gambling harm and its impacts (for the social policy team, but also more widely including sport and recreation, positive ageing, youth and families).

Thank you for the opportunity to provide a submission and please don't hesitate to contact us if you have any questions or wish to discuss.



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Survey Responses

08 November 2023 - 28 January 2024

Draft Gambling Policy and Action Plan

Connect Wangaratta

Project: Draft Gambling Policy & Action Plan



VISITORS					
46					
CONTRIBUTORS			RESPONSES		
12			12		
7	0	5	7	0	5
Registered	Unverified	Anonymous	Registered	Unverified	Anonymous



**Respondent No:** 1

**Login:** Registered

**Responded At:** Nov 27, 2023 12:17:43 pm

**Last Seen:** Nov 27, 2023 01:15:08 am


- Q1. **Finish this sentence**Gambling in the community is...

Excessive
- Q2. **Do you support the draft Gambling Policy and Action Plan**

Yes, I support it
- Q3. **Please tell us why you chose the above answer**

Because gambling is huge in the rural city of wangaratta. Excessive spending on pokies and TAB. and some spend way too long there.
- Q4. **Is there anything else you'd like to share about the draft gambling policy and action plan?**

No



Respondent No: 2

Login: Registered

Responded At: Nov 27, 2023 12:21:06 pm

Last Seen: Nov 27, 2023 01:19:17 am

Q1. Finish this sentence

Gambling in the community is...

Bad and harmful to members of the community. People with bad gambling addictions sometimes are unable to purchase the essentials they need and need to seek help from local charity services

Q2. Do you support the draft Gambling Policy and Action Plan

Yes, I support it

Q3. Please tell us why you chose the above answer

Venues need to be responsible and stop letting the same people gamble hundreds of dollars a day at their venues and need to practice RESPONSIBLE gambling

Q4. Is there anything else you'd like to share about the draft gambling policy and action plan?

not answered



**Respondent No:** 3  
**Login:** Registered

**Responded At:** Nov 27, 2023 12:43:56 pm  
**Last Seen:** Dec 12, 2023 23:47:39 pm

Q1. **Finish this sentence**Gambling in the community is... a disease

Q2. **Do you support the draft Gambling Policy and Action Plan** No, I do not

Q3. **Please tell us why you chose the above answer**  
It does almost nothing to prevent future pokies growth.

Q4. **Is there anything else you'd like to share about the draft gambling policy and action plan?**  
Very disappointing it took six years to draft and then we gave citizens 4 weeks to respond. If Council is going to adopt this policy, they should admit that they are not serious about achieving the strategic goal of reducing gambling amongst the community.






**Respondent No:** 4  
**Login:** Registered

**Responded At:** Nov 27, 2023 15:23:15 pm  
**Last Seen:** Nov 27, 2023 04:16:56 am

- Q1. **Finish this sentence**Gambling in the community is... destroying lives
- 
- Q2. **Do you support the draft Gambling Policy and Action Plan** I support it somewhat
- 
- Q3. **Please tell us why you chose the above answer**
- The policy needs to be stronger, to limit gaming machines to existing numbers.
- 
- Q4. **Is there anything else you'd like to share about the draft gambling policy and action plan?**
- The Council should be firmer with this, to protect vulnerable citizens. Community welfare must come before profit-making with the capacity to cause harm.Whole families suffer from a problem gambler.
-

**Respondent No:** 5**Login:** Registered**Responded At:** Nov 28, 2023 12:14:23 pm**Last Seen:** Nov 28, 2023 01:08:28 am

- Q1. **Finish this sentence****Gambling in the community is...** To some extent a practice we're all familiar with, but also something that needs strict & well managed guidelines, enforcement & practice to ensure the safety of the wider community
- 
- Q2. **Do you support the draft Gambling Policy and Action Plan** Yes, I support it
- 
- Q3. **Please tell us why you chose the above answer**
- I think the action plan and policy is a good step in terms of working towards some important regulation of gambling. I share a very strong concern about the capacity of gambling to have a very adverse impact on, not just those who struggle with it, but the wider community as well. I have unfortunately been faced in my community experience with a lot of people who suffer long-term consequences because of what is deemed largely to be a non-dangerous activity. It does require very clear guidelines, practices and enforcement for the future.
- 
- Q4. **Is there anything else you'd like to share about the draft gambling policy and action plan?**
- From what I understand of the very lengthy report commissioned, I support it in broad terms, but the depth of it also meant that some of the recommendations and conclusions are ambiguous in how they will affect future action. Is it possible to commission or provide a far more brief overview of this important subject?
-



Respondent No: 6

Login: Registered

Responded At: Dec 13, 2023 16:59:58 pm

Last Seen: Dec 13, 2023 05:52:54 am

Q1. Finish this sentenceGambling in the community is...

Destructive and toxic both to the gambler and to their family as well as the community.

Q2. Do you support the draft Gambling Policy and Action Plan


Yes, I support it

Q3. Please tell us why you chose the above answer

Yes I support any attempt to minimise harm from gambling. I just don't think the action plan goes far enough.

Q4. Is there anything else you'd like to share about the draft gambling policy and action plan?

Wangaratta has a gambling problem which is out of control, losses on poker machines are among the highest in the state. Council needs to act to protect the community from the damages wrought by gambling and reducing accessibility hours, introducing limits on losses per individual and freezing numbers of machines are two things that can happen now.



**Respondent No:** 7

**Login:** Registered

**Responded At:** Jan 02, 2024 14:14:56 pm

**Last Seen:** Jan 23, 2024 02:45:06 am


- Q1. **Finish this sentence**Gambling in the community is...

A huge problem impacting on children and families.
- Q2. **Do you support the draft Gambling Policy and Action Plan**

I support it somewhat
- Q3. **Please tell us why you chose the above answer**

It needs more detail and a stronger message and structural approach to give council the ability to successfully challenge new applications to install more pocker machines in clubs.
- Q4. **Is there anything else you'd like to share about the draft gambling policy and action plan?**

Council should strengthen its planning scheme and gaming containment policy in order to protect the community. Council should join with the VLGA and its association with the Alliance for Gambling Reform to strengthen its policies and strategies. These organisation and the work they have already undertaken provide strong support in case of future applications to increase the communities exposure to gambling venues.



**Respondent No:** 8

**Login:** Anonymous

**Responded At:** Jan 08, 2024 16:02:19 pm

**Last Seen:** Jan 08, 2024 16:02:19 pm

- Q1. **Finish this sentence**Gambling in the community is...

Currently on a scale that is very damaging. It is syphoning off enormous sums of money out of Wangaratta and impoverishing already impoverished families

---
- Q2. **Do you support the draft Gambling Policy and Action Plan**

No, I do not

---
- Q3. **Please tell us why you chose the above answer**

I want stronger action to curb the upsurge of gambling in Wangaratta.

---
- Q4. **Is there anything else you'd like to share about the draft gambling policy and action plan?**

I would like to see a permanent cap on the number of poker machines in the RCOW. Draw a line in the sand in 2024. I don't want even one machine more. If implementing this requires an alteration in The Wangaratta Planning Scheme I ask the the staff at the RCOW council organise the necessary amendment

---



**Respondent No:** 9  
**Login:** Anonymous

**Responded At:** Jan 15, 2024 09:47:34 am  
**Last Seen:** Jan 15, 2024 09:47:34 am

Q1. **Finish this sentence**Gambling in the community is... a blight

Q2. **Do you support the draft Gambling Policy and Action Plan** Yes, I support it

Q3. **Please tell us why you chose the above answer**

Gambling especially poker machines have taken a lot of the vibe out of the community and the only real winners are the organisations that own them. There are massive profits in them at a great cost to the community. Any venue that has them should have higher taxes and rates that are directed back in to the community. Pokies are a very addictive form of gambling. When they were introduced into Victoria they should have been at club level and not into pubs. I personally would take a leaf out of the indigo shires book and don't have them at all.

Q4. **Is there anything else you'd like to share about the draft gambling policy and action plan?**

It's out of control and aimed at the youth especially with the online platforms. Although gambling dens are now part of the community it is important to support non gambling venues and organisations One of my old employers once said to me while ever they are sitting playing these machines we don't have to worry about selling food and drinks they had 80 machines in Wodonga. We called the pokie area the room of doom



**Respondent No:** 10  
**Login:** Anonymous

**Responded At:** Jan 15, 2024 16:40:46 pm  
**Last Seen:** Jan 15, 2024 16:40:46 pm

- Q1. **Finish this sentence**Gambling in the community is...

A problem that needs to be stopper
- Q2. **Do you support the draft Gambling Policy and Action Plan**

I support it somewhat
- Q3. **Please tell us why you chose the above answer**

It doesn't go far enough
- Q4. **Is there anything else you'd like to share about the draft gambling policy and action plan?**

not answered

**Respondent No:** 11**Login:** Anonymous**Responded At:** Jan 26, 2024 11:32:17 am**Last Seen:** Jan 26, 2024 11:32:17 am

Q1. **Finish this sentence**Gambling in the community is... a scourge.

Q2. **Do you support the draft Gambling Policy and Action Plan** No, I do not

Q3. **Please tell us why you chose the above answer**

The proposed plan is weak, and supports the gambling industry at the expense of the health and wellbeing of the broader community. If the Council accepts the Draft Plan they are basically giving the green light to continue and expand gambling in the RCoW. Working with agencies to ameliorate problems is akin to shutting the stable door after the horse has bolted. The repeated mentions of online gambling are a "get out" card in the policy. A focus on online gambling directs attention, energy and resources away from pokies - an area in which our Council can have some influence through appropriate planning and policy tools.

Q4. **Is there anything else you'd like to share about the draft gambling policy and action plan?**

Council voted to support the Wangaratta RSL to double the number of EGMs on 22nd August 2017. This was despite community opposition and losses in excess of \$22,000 per day to pokies in the RCoW. In a 2 step process the Council did not support the RSL application to the Victorian Commission for Gambling and Liquor Regulation, but did vote to approve a multifaceted permit which allowed the installation of 50 EGM's at The Sydney Hotel. Council planners stated repeatedly that their hands were tied as there was no gambling policy on which to base decisions. This proposed draft policy does not strengthen planning tools and will not allow Council to reject applications related to more pokies, therefore it does not fill the planning void, but holds opens the door to accepting pokies in our community. The powerful gambling industry does not need Councils lobbying on their behalf, but the community needs Council on their side.





**Respondent No:** 12  
**Login:** Anonymous

**Responded At:** Jan 28, 2024 13:05:46 pm  
**Last Seen:** Jan 28, 2024 13:05:46 pm

Q1. **Finish this sentence**Gambling in the community is... an embarrassment

Q2. **Do you support the draft Gambling Policy and Action Plan** No, I do not

Q3. **Please tell us why you chose the above answer**  
The draft policies are toothless

Q4. **Is there anything else you'd like to share about the draft gambling policy and action plan?**  
It is difficult to assess how Wangaratta Council is really supporting the community. Two draft policy statements in particular are quite concerning and puzzling : "Maximise opportunities for gambling activities to deliver social and economic benefits."  
"Support the gambling industry to reduce its reliance on revenue derived from gambling."



## Submissions on the RCoW Draft Gambling Policy and Action Plan

Ref	Mode	Date	Name
1	Email	8/11/2023	Submission 1

Upon reading the draft gambling policy I suggest an amendment to page 3, 3. Policy It is suggested that 'gaming venues' should be replaced by 'EGM operators'. I suggest that 'gaming venues' be replaced with 'gambling venues'. This makes it clear as to what the venue does given that many people would not know what an 'EGM Operator' was.

It concerns me that only 8.33% of gambling losses are returned to the community (and not necessarily the community which made the loss), serious thought should be given to at least keep the numbers of EGM's stable and not increased, with the consideration of reducing the number of EGM's in the future. We are a small community that cannot afford to lose more than \$10 million per annum. Given that we are unlikely to see 8.33% of that put back into our community, it seems that the people who actually lose the money on EGM machines, will never see a benefit.

Council acknowledges in its Draft Policy the risk and misery that gambling can bring to not only the gamblers, but also to their families and community.

Thank you

## Submissions on the RCoW Draft Gambling Policy and Action Plan

Ref	Mode	Date	Name
2	Letter	13/11/2023	Submission 2
	Connect	27/11/2023	

## Gambling Policy

## Submission on Council's proposed gambling policy

The Council Draft Policy mentioned reducing gambling, but in fact gives no impediment to more gaming machine applications. This will not be effective or result in any change whatsoever.

The wording of the draft policy should be strengthened and the Planning Scheme needs to be modified to oppose all new gaming machine applications in the community. This would go some way in preventing problems proved to be directly caused by gambling addiction, such as domestic violence, marriage breakups and financial ruin for not just the gambler, but whole families.

I would encourage Council to join the Alliance For Gambling Reform, a body to which more than 20 local Councils belong. The Councils in the Alliance have shown good success in limiting the harm from gaming machines.

I have observed the effects of gambling addiction on a family known to me, in another municipality.  
[redacted for confidentiality] The effect on all her family, friends and colleagues was devastating.

## Submissions on the RCoW Draft Gambling Policy and Action Plan

Ref	Mode	Date	Name
3	Email	20/11/2023	Submission 3

Submission to Wangaratta Councils Draft Gambling and Gambling Action Plan.

My submission is mostly pertained to EGMs.

I think council should do all it can to make the industry of EGMs as hard as possible within the law. The evidence is clear that EGMs do harm to our society, the idea that clubs / pubs with EMGs provide community benefits via monies is false, the harm far out ways any good.

The idea of people have a right to do as they wish and we should not take action is an affront to sensible policy. Governments have regulated to the benefit of communities for a long time when clear harm is evident. Be it public health IE: smoking, workplace OHS protocols or in public safety like evacuation plans in venues etc.

EMGs policies of council to consider. Most of the policy suggestions come from other councils in Victoria. IE: Darebin

- 1) Council to support measures to prevent and/or respond to gambling harm that are evidence-based and likely to have a positive impact.
- 2) Council will oppose any planning and licensing application for additional EGMs and the transfer of EGMs in the municipality where there is evidence that the application will have negative social and economic impacts and minimal community benefit.
- 3) Council will acknowledge and honour any existing arrangements between sporting clubs, community groups, organisations, associations or Council programs and EGM operators, owners and venues until a mutually suitable and tailored transition plan has been finalised.
- 4) Councillors, Council staff will not run Council and community events, activities, programs and social outings in venues that have EGMs. Or attend any such event at such venue and represent the council.
- 5) Council will support any club / venue that wishes to divest themselves of EGMs to develop a transition plan in order that they may continue to access Council facilities and resources and provide a community benefit to their members.
- 6) Council will not provide sporting grounds, Council venues or use of Council property to any sporting clubs, community groups, organisations or associations who directly operate or own EGMs in Wangaratta or elsewhere.
- 7) Through its Leasing and Licensing Policy, Council will not permit gambling promotion or advertising in Council-owned facilities. This pertains to sports betting, online gambling and EGMs.
- 8) Any sporting club, community group, organisation or association that operate or own EGMs will be ineligible for community grants, financial assistance or in kind support from Council.

## Submissions on the RCoW Draft Gambling Policy and Action Plan

9) Any sporting club, community group, organisation or association that receives sponsorship or grants (in-kind or cash) from poker machine revenue will have Council grants, in-kind support and funding reduced by the amount and level of funding and/or in-kind support received from EGM sources.

10) Council will not fund community groups who meet in venues that have EGMs through any of its community funding programs.

11) Council will not provide community grants, funding, sponsorship, Council facilities, publicity or promotion for community groups/organisations that promote gambling.

12) Council will not permit community groups or sporting clubs to advertise or promote gambling related activity at local venues or via online gambling agencies.

13) Any sporting club, community group, organisation, association or business that operate or own EGMs, or receives sponsorship or grants (in-kind or cash) from poker machine revenue will be ineligible for community grants, financial assistance or in-kind support from Council.

14) Community groups, clubs, organisations, associations and businesses that are in a council owned facility or building (in a capacity of a license or lease agreement) or plan to hire a council facility or building are prohibited from receiving sponsorship or grants (in-kind or cash) from poker machine operators.

## REASONABLE POLICY EXCEPTIONS

Music groups and musicians who perform in EGM venues.

Live music groups and musicians, and associated performers that perform in EGM venues and are not in direct receipt of Council funding but may be contracted by Council to perform at an event or associated Council sponsored program, are considered outside the scope of the Policy and will not be affected.

ANZAC Day and similar military services held at The Returned and Services League (RSL) The RSLs will be exempt from the EGM Policy only for ANZAC day and similar military service events. For these occasions the Council resources such as access to the community bus will continue for eligible residents wishing to attend these commemorative events.

## Submissions on the RCoW Draft Gambling Policy and Action Plan

Ref	Mode	Date	Name
4	Email	21/11/2023	Submission 4
	Connect	27/11/2023	

Dear Council,

this email and attached presentation is my submission on the Gambling Policy.

As a concerned citizen, avid poker player, and former poker/gambling journalist, I have witnessed firsthand the destruction that EGM gambling ("pokies") causes in communities worldwide, wherever they are introduced. EGMs are remarkably more addictive, more dangerous, and more deliberately misleading than any other form of locally legal gambling. There is a mountain of scientific research to back this up.

Council adopted the 2021-25 strategic goal to "reduce rates of gambling amongst the community." A goal that I wholeheartedly support.

Of the three sub-goals of this, the drafting of a Gambling Policy is an important step. Council Gambling Policies and Planning Schemes are (by far) the most cited documents in VCAT and VGCCC hearings regarding EGM expansion.

Unfortunately, the draft policy as it stands cannot and will not achieve Council's strategic goal. It describes what Council has effectively been doing relating to gambling policy over the past several administrations. As 2023 will be the worst year for EGM losses in Wangaratta's history, we can be fairly sure that doing the same thing will achieve the same results.

We only need to look at other Councils in VIC and NSW to see that while 2023 will be the worst year in Wangaratta history for EGM losses, things can and will still get much worse for our residents if EGM gambling is allowed to expand here.

In light of the gap I see between this policy and the stated strategic goal, the minimal advertising that Council has done to garner feedback on the policy, and the very brief 28-day consultation period for a policy that took over six years to draft, I am requesting:

- to be heard by a Committee of Council in support of my submission prior to November 30.
- that Council defers the adoption or re-drafting of this policy until wide, survey-level input is gathered from residents and community organisations regarding gambling harm.
- that Council commissions an independent study from an Australian university gambling harm research group or the Alliance for Gambling Reform to quantify the effects of gambling harm on the Wangaratta community.
- that a new consultation period of a minimum of 6 months be allowed before a re-drafting of this policy.
- that the policy and call for community feedback is prominently advertised in the Wangaratta Chronicle, on Wangaratta radio, and on the Wangaratta Community Facebook page over a six-month period.
- that Council meet with gambling policy leads at the Alliance on Gambling Reform, Victorian Responsible Gambling Foundation, the Victorian Local Governance Association, and the 23 Councils

## Submissions on the RCoW Draft Gambling Policy and Action Plan

listed in my presentation, to consult on best practices relating to drafting a Gambling Policy and modifying Planning Schemes to contain growth in community EGM losses.

- that Council publishes the full un-redacted report of the community feedback that was gathered from health providers and community groups in support of this draft.
- that if Council outsources the re-drafting of this Policy, it engages with a consultant recommended by the Alliance for Gambling Reform.



Submissions on the RCoW Draft Gambling Policy and Action Plan

Ref	Mode	Date	Name
5	Email	27/11/2023	Submission 5

Dear Councillors,

I am writing to urge you to do more to contain the growth of the number of poker machines in Wangaratta when you revise the Draft Gambling Policy.

At a time when cost of living pressures are intense, Council should be seeking to reduce the opportunity for harmful gambling practices.

Will Council be implementing bet/loss limits or restricting new approvals to help to control the damages caused by gambling?

## Submissions on the RCoW Draft Gambling Policy and Action Plan

Ref	Mode	Date	Name
6	Email	27/11/2023	Submission 6
	Connect	13/12/2023	

I am a resident and ratepayer of Wangaratta with deep concerns about the extent of the gambling problems we have here. Attached are my suggestions.

## Feedback on the RCoW Draft Gambling Action Plan

Firstly, congratulations on RCoW for considering the need for an action plan for minimising damage caused by Electronic Gaming Machines. However, the Action Plan does not include much in the way of definitive or measurable action and includes a bit too much 'aspirational' language instead of firm statements.

I would like to highlight some information in the Draft.

Firstly the amount of money lost to poker machine gambling alone in the Wangaratta is shocking by anyone's measure.

To quote the statistics provided on page 5, we have four venues with EGMs who take a total of \$10,874,191 from the pockets of gamblers, most of which are the low income members of our total adult population of 23,618, (i.e.. those least able to afford it are gambling the most). This does not fully describe the extent of the problem. We do not all gamble on poker machines so the figure of \$460 per adult losses does not accurately report the extent of the problem, which page 6 describes as worsening.

Wangaratta has 154 EGMs, and our municipal cap is 223. We have amongst Victoria's highest density per 1000 adults.

RCoW needs to commit to not supporting any increase in the number of EGMs allowed as a priority.

Page 7:

Under the general heading of Manage and Support, I'm wondering why the document would say 'support the gambling industry'. Surely this should read 'support the community? Unless it means supporting the gambling industry to explore different forms of profit generation that aren't predicated on human misery?

1.3 (page 8) needs to be extended to say 'prohibiting advertising/gambling promotion of gambling by any club or group that receives council funding or uses council owned or managed facilities'.

## Submissions on the RCoW Draft Gambling Policy and Action Plan

Instead of ‘discouraging the procurement of products and services from entities which derive revenue from gambling activities’ I suggest that in place of ‘discouraging the word ‘prohibiting’ is used.

Likewise with ‘minimising financial support or provision of grants for activities that may take place in gambling venues’ replace ‘minimising’ with ‘prohibiting’.

Finally in this section, if council currently accepts any contributions from the gambling industry, either financial or in-kind it should commit to stopping that practice entirely.

## 1.4 (page 8)

The action plan needs to include more detail about how many groups are currently financially dependent on revenue from gambling sponsorships and gambling revenue, if RCOW is currently working with all said groups or just some, and how RCOW would plan to reduce that reliance and within what time frame? The word ‘reduce’ needs replacing with ‘remove’.

## 2.1

RCOW needs to be a strong advocate and communicator about the dangers of all types of gambling, not just EGMs

## 2.2

RCOW must join the Alliance for Gambling Reform leadership council and show the community it takes the problem of gambling very seriously. AGR is the only group specialising in gambling reform and advocacy, supporting communities Australia wide. With Wangaratta’s losses being amongst the highest in the State of Victoria RCOW needs to work with this body as a show of commitment to tackling the problems.

## 3.5 (page 9)

Needs to include detail on the conditions in planning permits relating to the design and operation of gaming operators that enhance harm minimisation measures. What would the conditions be? How would they stand up to testing by VCAT? If they are serious effective conditions, the operator will challenge them. If they do little to reduce losses they will likely pass. Preferably RCOW will institute a blanket ban on supporting additional machines.

## 4.3 (page 10)

Needs clarification on how working with venues supports the outcome. Venues tend to strongly disagree with research and evidence regarding the impacts of their product on public health.

## 4.4

If RCOW receives an application for more EGMs in a particular venue the VGCCC allows only 60 days for community response. How will RCOW ensure that the community of Wangaratta is alerted to any application?

## Submissions on the RCoW Draft Gambling Policy and Action Plan

Ref	Mode	Date	Name
7	Email	29/11/2023	Submission 7

## Gambling Policy 2023 Comments on draft

## POLICY - General comments

The RCoW Councillors are called upon to consistently and rigorously use their authority in accordance with the Planning and Environment Act 1987, the Gambling Regulation Act 2003, the RCoW Health and Well Being policy and the yet to be born RCoW Gambling Policy ( revised and strengthened after final community input ) to respond to planning permit applications for the use and installation of EGM's and gaming licence applications to the Victorian Commission for Gambling and Liquor Regulation. Our Council needs a policy which strengthens their ability to vote against applications for new EGMs and to enable the reduction of existing numbers in our LGA. They are called upon to provide real and impartial leadership on this issue.

The proposed policy is lightweight, reflects old attitudes to gambling from an uninformed cohort, is based on out of date data and does nothing to take our LGA into the future. Councillors would be wise to read the room on this one.

Council says that it is adopting a “public health approach to gambling” yet it does not address the documented link between gambling on pokies and use of alcohol.

Application of the Alcohol Use Disorders Identification Test ( WHO 2001) showed that more than half of regular pokie gamblers were high risk hazardous drinkers (Regular Pokies Gambling in Australia, 2022 Australian Gambling Research Centre)

Council should address this serious concern by reducing opportunities for pokie gambling within the RCoW. Hazardous drinking affects the whole community, it is not just an individual issue.

The research quoted above also discovered that 47.7% of regular pokies gamblers reported that they were smokers. Smokers were asked about smoking on the day of their most recent pokies session. 82.9% reported that they had smoked that day and 28.5% reported vaping nicotine. The venues are designed to enable smoking, without having to exit the premises. This is clearly a public health issue.

## STATEMENT AND PURPOSE

“ The policy seeks to achieve the following objectives:

- Protect those most vulnerable to the social and economic harm caused by gambling
- Maximise opportunities for gambling activities to deliver social and economic benefits
- Strengthen our partnerships with organisations that provide services to people directly and indirectly affected by gambling related harm
- Strengthen the community's capacity to understand the risks and impacts of gambling related harm”

## Submissions on the RCoW Draft Gambling Policy and Action Plan

These objectives are based on erroneous assumptions and do not reflect current research. The objectives should be rewritten, with community input.

A plethora of well designed studies have established beyond doubt that gambling related harms affect not only the people who gamble, but also their families, friends and the wider community

( Browne et al. 2016, Dowling 2014, Goodwin et al. 2017, Hing et al. 2020, Langham et al. 2016 and Wardle et al. 2018)

Why is the policy aiming to protect “only those most vulnerable”? I understand that the Council Health and Well Being Policy applies to all RCoW residents and visitors, not just those most vulnerable. The policy and Action Plan should address ways to restrict gambling opportunities in Wangaratta, particularly in regard to EGMs, in order to properly protect all of us from harm.

The proposed policy seeks to “ Maximise opportunities for gambling activities to deliver social and economic benefits.”

What are these benefits? Where is the well designed research proving that gambling can deliver social and economic benefits? On the contrary there is extensive research showing that pokie gamblers are more isolated, suffer anxiety, distress and financial stress. EGM accessibility is associated with police - recorded domestic violence incidence in postcodes in Victoria. There is also a documented link between other crimes and EGM usage These factors in turn impact family, friends and the wider community.

The Council should recognise these destructive impacts and remove all references to

“ social and economic benefits” ( which remain unquantified)

Gambling losses within the RCoW are noted in The Gambling Action plan on pgs 5 and 6. The loss of \$10,84,191 per EGM player in Wangaratta equates to the \$ amount which is taken out of the community economic pool. It is difficult to see the economic benefit here, unless the Council is only thinking of the profit available to venue operators. The policy and Action Plan must contain details about how economic benefits for the whole community are assessed. The CBF should not be used to quantify contributions to the community. It is a cynical marketing and tax dodge, designed to benefit the venues so they can cover operating costs and thus increase their profit margins.

The policy must clearly articulate the difference between gambling on such things as buying a community raffle ticket and EGM usage which is linked to high levels of harm.

*Strengthen our partnerships with organisations that provide services to people directly and indirectly affected by gambling related harm*

This is an ineffective strategy as it has been established through recent research that there is a low rate of regular pokies gamblers seeking assistance for gambling harm ( Greer et al. Regular Pokies Gambling in Australia, National Gambling Trends Policy, 2022. ) 1 in 10 pokie gamblers experiencing harm, reported they had sought help.

## Submissions on the RCoW Draft Gambling Policy and Action Plan

For those people indirectly affected by gambling, the Council is planning to support organisations that provide resources for a population which would be better protected if fewer opportunities to gamble were available in Wangaratta -there is a clear relationship between accessible opportunities to gamble and the rate of gambling.

Surely the Council is not proposing to adopt a policy containing strategies which have already been proven to be ineffective? Surely the social cost of gambling should not be borne by us, the ratepayers, but by the hotels and clubs which encourage gambling?

*Strengthen the community's capacity to understand the risks and impacts of gambling related harm*

The Council is showing little leadership on this issue, so how can the community be expected to understand the risks and impacts of gambling related harm? A clear signal and policy statements are required. e.g. The Council will oppose ( not discourage) new gaming operators and /or additional EGMs in the RCo W, and the actioning of this commitment will be resourced to ensure the commitment can be met. This opposition should be well publicised.

Conclusion : The objectives need to be completely rewritten to remove bias towards EGM operators and to realistically reflect research currently available.

**BREACHES**

This section is weak and renders the whole policy ineffective.

**REVIEW**

- “The policy will be reviewed every four years by the Community and Recreation Team.”

Community input should be taken into account - a transparent and public process for input should be documented in the policy. Community attitudes towards gambling need to inform decision making by those purporting to represent us. Community attitudes towards gambling are changing rapidly.

The policy should be assessed in relation to progress towards revised policy objectives via rigorous research tools. The latest, well designed research should inform policy development and reviews.

In conclusion, all Councillors and staff need access to the very latest data and credible research before they are qualified to vote on the Draft Gambling Policy and Action Plan. So much of the proposed policy and actions are based on old assumptions, outdated research, and stakeholder input at Stage 3 ( before the community has been asked their views)

What information was provided during the Councillor Briefing session? Was it research conducted in the last few years?

Who had input into the information?

Were all sides of the issue presented equally?

Which other Council policies were reviewed, and were the policies recent? Are the policies working?

Submissions on the RCoW Draft Gambling Policy and Action Plan

Back to the drawing board on this one!

## Submissions on the RCoW Draft Gambling Policy and Action Plan

Ref	Mode	Date	Name
19	Email	29/01/2024	

## A Shameless Rort

At the August 2017 Council meeting at the Peechelba Hall, RCoW councillors voted almost unanimously in favor of the Wangaratta RSL's application for an extra 18 EGM's. According to the Council Meeting Agenda "The approval of the EGM's will provide an increase in community contributions of \$25 000 per year."

While this statement seems encouraging, the Wangaratta RSL annual Community Benefit Statement to the VGCCC reveals a different picture. The community in Wangaratta that is almost the sole beneficiary of "community benefits" is the Wangaratta RSL community, unless you believe "Operating Costs" are a community benefit.

Figures from the Wangaratta RSL's Community Benefit Statements sent to the VGCCC reveal that in 2017-18 the total of the RSL Club's Community Support Fund was \$300 000. This is based on 8.33% of EGM profits that all clubs in Victoria with EGM's are legally required to allocate to community benefits. Out of that \$300 000 the RSL Club used \$186 000 for its own operating costs.

These operating costs included \$125 000 in wages, \$13 000 for electricity, \$8 000 for superannuation, \$5 000 for insurance and \$5 000 for advertising.

In 2018-19 the RSL Club, with the benefits from 18 extra EGM's, increased their Community Support Fund to \$750 000. The RSL Club reported that \$642 000 of that money was used on operating costs. That figure is almost 90% of the total community support fund. In 2022-23 the Community Support Fund was \$1.75 million. The RSL used \$1.5 million, close to 90% of the total fund on its own operating costs.

In Victoria clubs like the Wangaratta RSL can lawfully claim their own operating costs. They spend community benefit profits on themselves including paying for wages, electricity, superannuation, insurance and advertising as well as kitchens, fridges, television and Keno subscriptions. When they return a certain percentage of gambling profits into the community they also receive a tax cut.

In the Draft Gambling Action Plan, Wangaratta Council's commitment under Planning and Regulation 3.2 is to : "Oppose a proposal for a new gaming operator or increase in the number of EGMs in an existing venue if a rigorous social and economic impact assessments indicates it will have negative social and economic impacts on, and minimal community benefit for, the community of the Rural City of Wangaratta."

How much benefit do Wangaratta community members derive from gambling profits?  
What other businesses in Wangaratta have similar cost privileges and subsidies?

['Playing us for years': how pokies profits have funded tax-deductible spending within Australian clubs | Gambling | The Guardian](#)



## Submissions on the RCoW Draft Gambling Policy and Action Plan

Ref	Mode	Date	Name
21	Email	31/01/2024	

31/1/24

Submission to the -

**RCOW DRAFT GAMBLING ACTION PLAN**

I am alarmed that Wangaratta is losing over ten million dollars a year via poker machines (EGMs). This city has quite serious levels of financial hardship happening at the moment due to steep mortgage and rent rises along with the cost of living crisis. It is not only the addicted who gamble but also people who are desperate due to dire financial circumstances. This of course can only make an individuals stressful financial predicament worse.

While this document is called an “Action Plan”....I don’t see much within it’s pages that could be called strong action.

It isn’t exaggerating to say Wangaratta is hemorrhaging money out of the city due to EMGs. We need to do more than develop and fund support programs for the affected families (though those are important too). I ask that this action plan makes as it’s priority the stemming of the waterfall of money pouring into EMGs in the RCOW.

**Accordingly my primary request is that the RCOW permanently cap the maximum number of EGMs in RCOW to what it is now - 154 machines.**

I suggest some of the benefits of this enforced limits will be -

- \* As the population of Wangaratta grows the number of machines available per head of population will decline.
- \* Any new hospitality venues that commence operation will have to develop a business plan that does not involve installing EGMs. This could benefit the community in other ways for example a new venue may offer live music, trivia nights or stand up comedy to attract customers.
- \* The existing venues that currently contain EGMs will need to devise other ways to raise revenue to renovate or expand operations other than simply installing yet more EGMs

Should the establishment of a permanent cap of the numbers of EGMs require an amendment of ***The Wangaratta Planning Scheme*** I ask that resources and staff hours within the RCOW be allocated in the next budget to attend to this so it can be achieved as soon as possible.

In addition I ask that each of the 4 venues that currently have EGMs have the number they are permitted to host capped at the current number that exists in each venue as of 2024. Should one of these venues close or get rid of their EGMs I would not like to see a situation where the other 3 use this situation to leverage council for an expansion of the number of machines at their own establishment.

**Other Measures I Support**

- \* The RCOW joining the ***Alliance for Gambling Reform Leadership Council***

## Submissions on the RCoW Draft Gambling Policy and Action Plan

\* Staff who work with-in the RCoW **Community Well-being Department** to be directed to make enacting the RCoW Gambling Action Plan a priority. There is no point adopting an ambitious plan to tackle the harm gambling is doing to the Wangaratta community if you are not going to allocate staff hours to enact the plan.

\* I support prohibiting RCoW grants for activities that take place in venues that are profiting from gambling.

\* I ask that council develop a standard where they do not procure any products or services from any of the four RCoW venues that profit from gambling.

**The Local Music Industry**

Our neighbouring Indigo Shire has no EGMs. One of the direct benefits of this is Beechworth and Yackandanda have thriving live music scenes. Any weekend of the year you can go out and enjoy wonderful music in pubs in these two towns. Towns that are much smaller than Wangaratta.

The venues in these towns offer live music to attract people to come and enjoy their other hospitality offerings.

Wangaratta has been missing out on the cultural benefits of a healthy live music scene in part because we have allowed 4 venues to rest on business strategies that rely on EGMs.

I ask our council to lay the ground work for a cultural change. It is going to take time but the benefits will be multiple. In order to nurture a cultural change away from dependence on EGMs I ask that council -

\* Allocate community grants to organisations that create cultural events that enrich the entertainment offerings of Wangaratta. Encourage the Wangaratta Arts Groups to apply for community grants.

\* Include an acknowledgement in the RCoW Gambling Action Plan regarding the cultural benefits that could eventuate if Wangaratta's hospitality sector moved away from dependence on EGMs.

\* Consider reviving the RCoW **Draft Live Music Strategy**. Work on this was commenced in 2020 and then aborted shortly after. Wangaratta has never had a Live Music Strategy.....and yet we are now in need of a Gambling Action Plan.

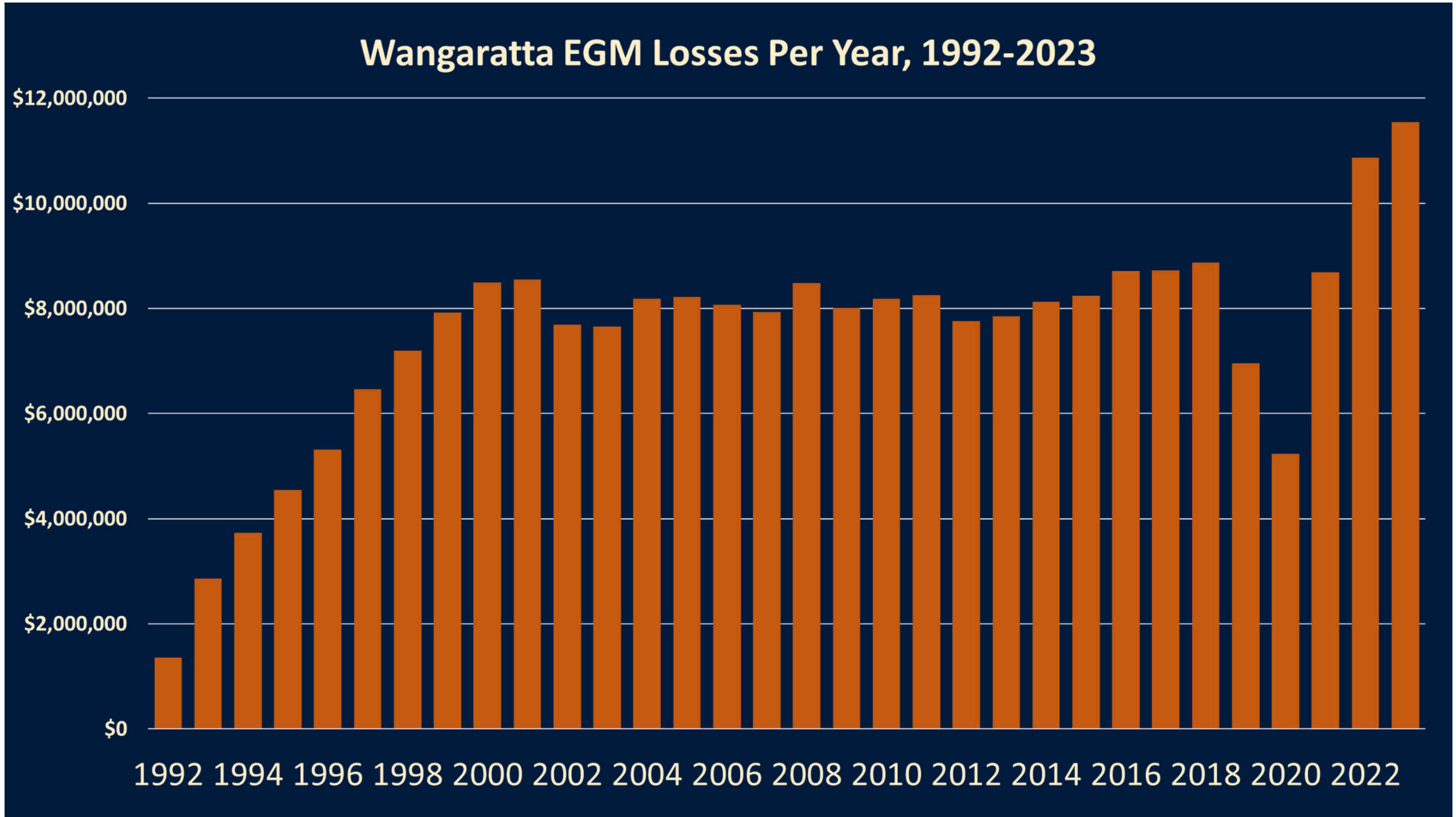
\* Should a new Wangaratta Music Festival arise from the ashes of the former Wangaratta Festival of Jazz and Blues I suggest that the RCoW work positively with this emerging committee to ensure that any new music festival avoids embedding itself early on in venues that contain gambling.

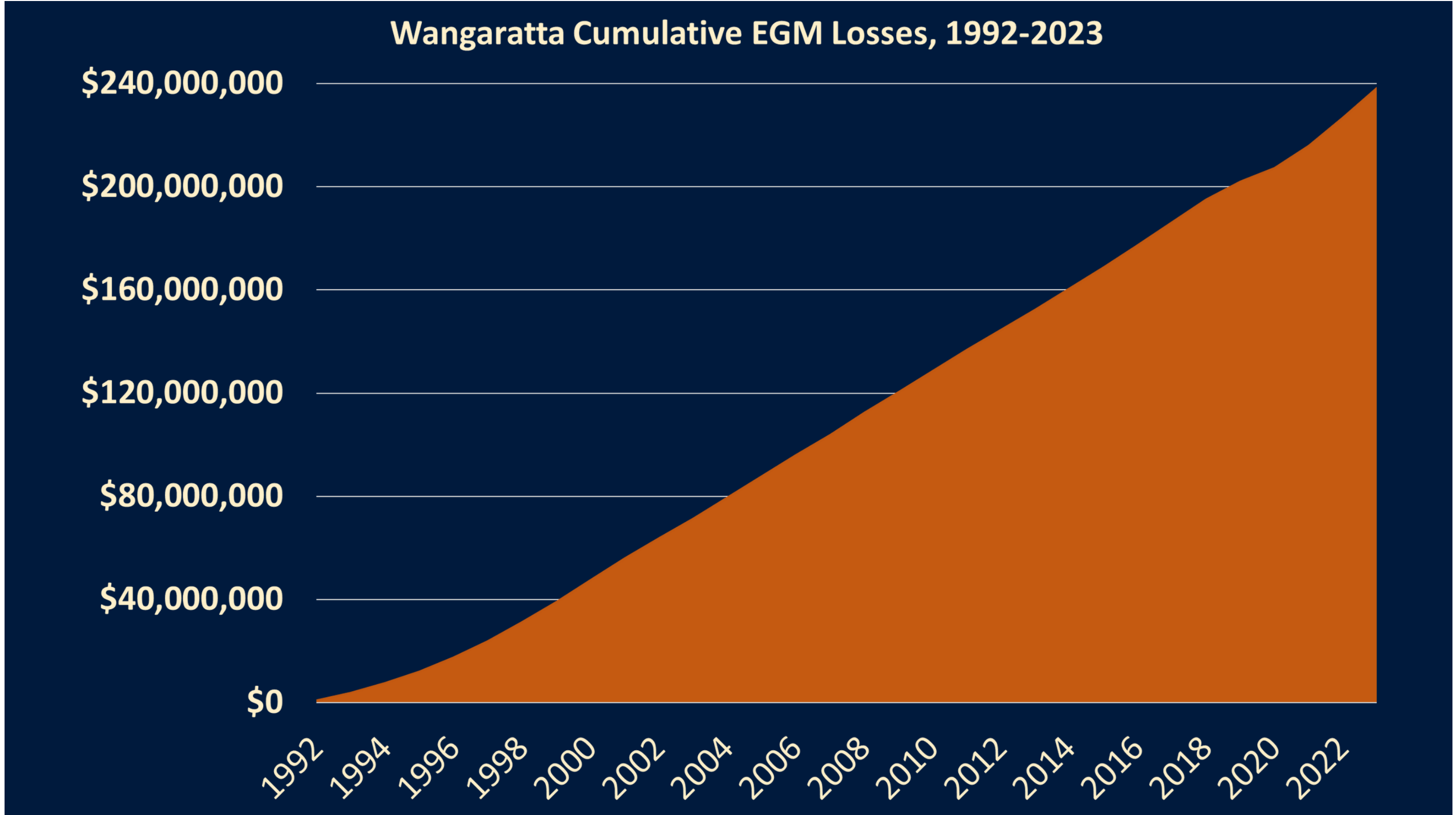
# GAMBLING IN WANGARATTA

**Submission**

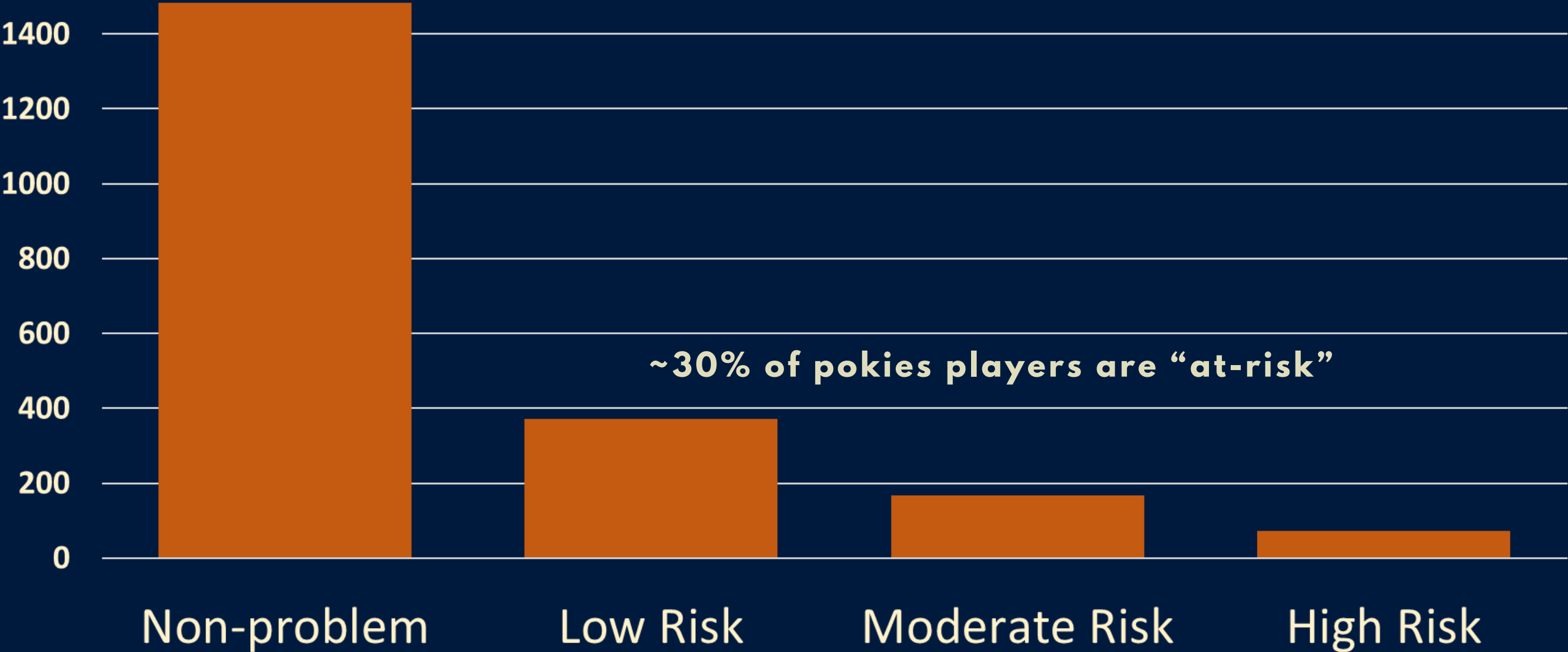
# **COUNCIL STRATEGY 2021-2025**

**2.4.6 Reduce rates of gambling amongst the  
community.**

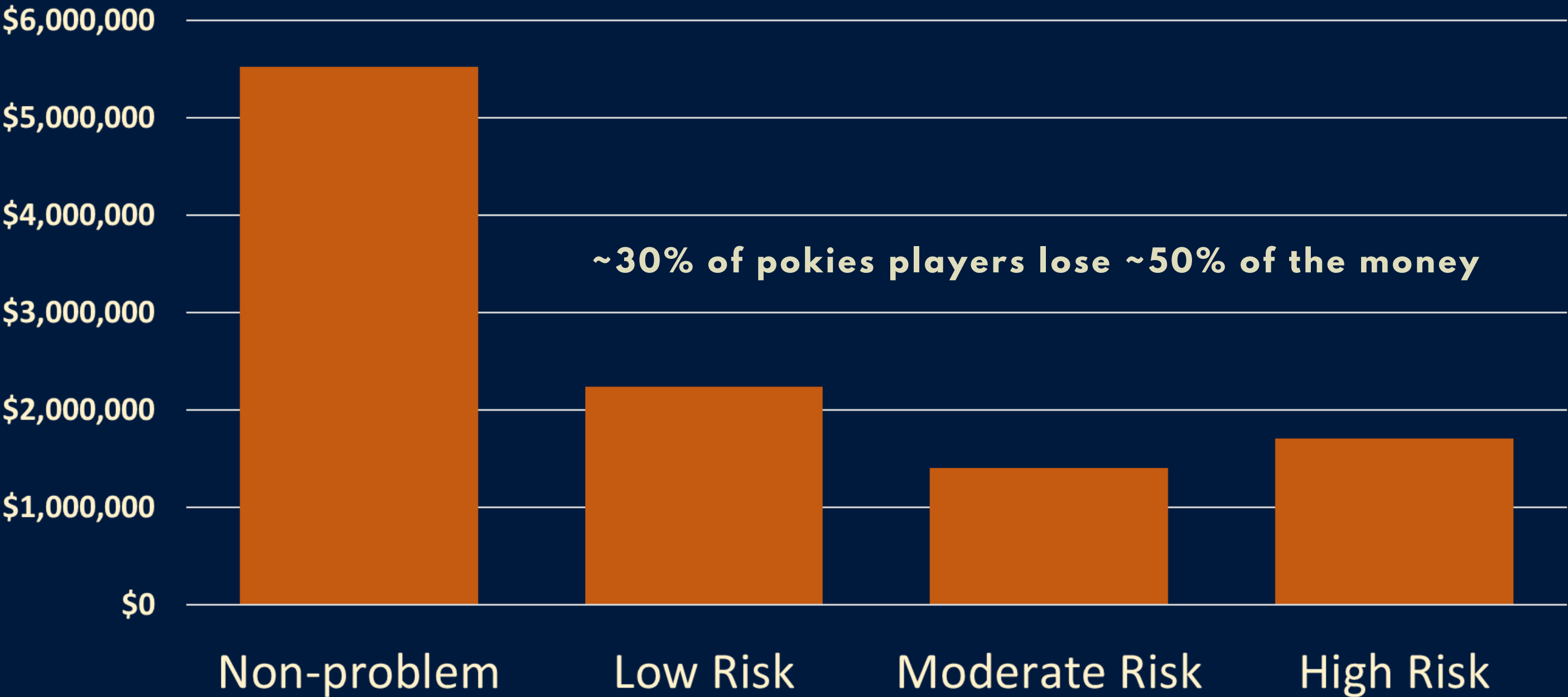




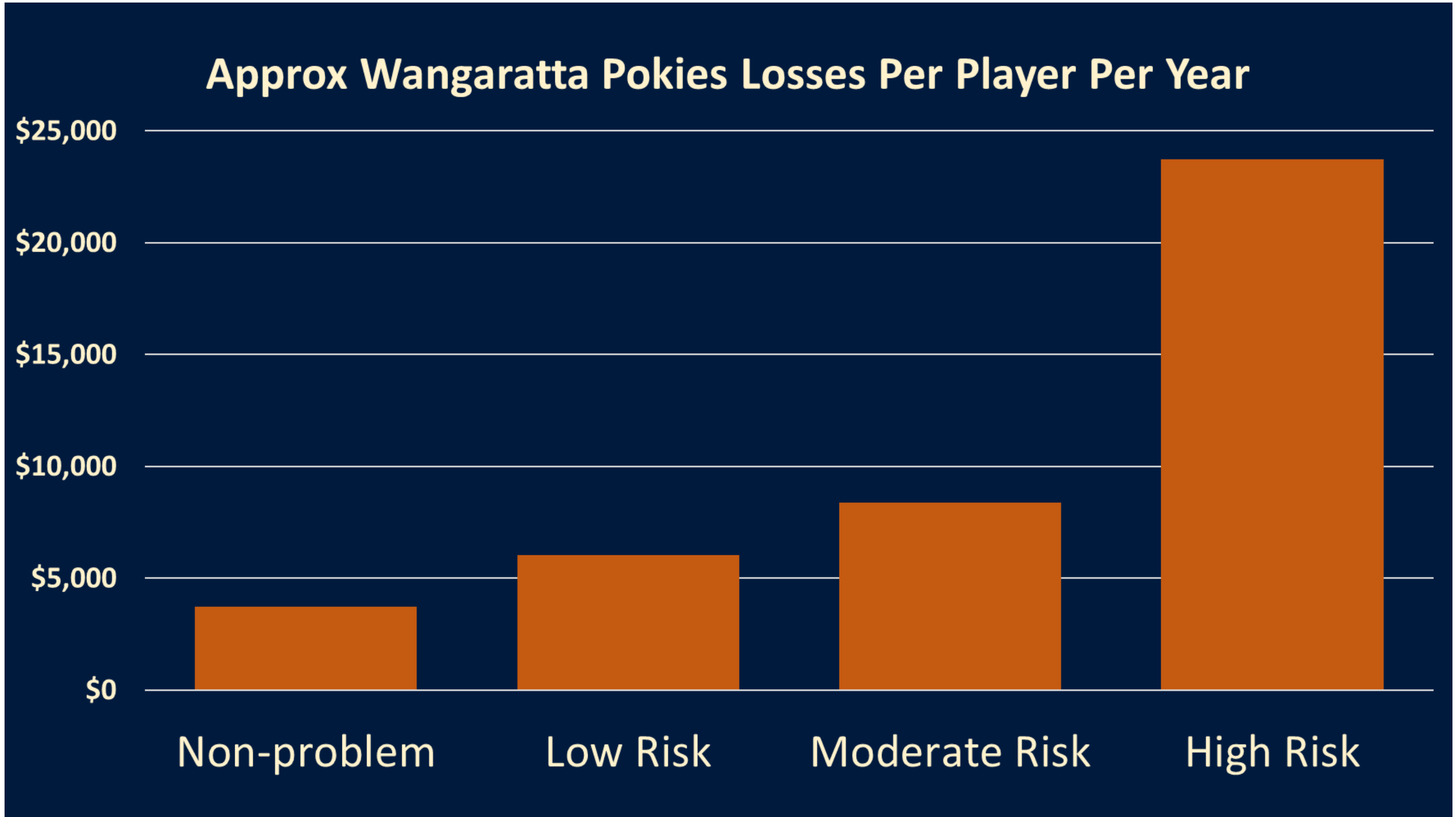
# Approx Wangaratta Pokies Players by Class



# Approx 2022 Wangaratta Total Losses by Class







# FOR YOUR CONSIDERATION

- **Pokies are a problem.**
- **This policy does not address the problem.**
- **6 years to draft this policy...**
- **...28 days for feedback is not enough.**
- **If we want to meet the strategic goal, we need a stronger policy and Planning Scheme.**

# IT IS POSSIBLE.

## Councils with lower-than-peak 2022 EGM losses:

**Surf Coast (-38%)**

**Bayside (-33%)**

**Stonnington (-23%)**

**Alpine (-21%)**

**Port Phillip (-21%)**

**Yarra (-19%)**

**Knox (-18%)**

**Boroondara (-16%)**

**Merri-Bek (-15%)**

**Macedon Ranges (-15%)**

**Banyule (-14%)**

**Glen Eira (-14%)**

**Yarra Ranges (-13%)**

**Hobsons Bay (-11%)**

**Manningham (-10%)**

**Darebin (-10%)**

**Monash (-9%)**

**Maroondah (-9%)**

**Frankston (-8%)**

**Kingston (-8%)**

**Whitehorse (-4%)**

**Nth. Grampians (-1%)**

**Colac-Otway (-0.3%)**

**Councils in GREEN = Members of Alliance for Gambling Reform**

**23 of 79 Councils are members**

**13 of those 23 have reduced EGM losses**

# POLICY PROPOSALS

- **Accurately quantify the problem**
- **Commitment to join the Alliance on Gambling Reform**
- **Commitment to join the VLGA**
- **No Council money to groups who receive pokies money**
- **Total ban on transfer of EGM licences**
- **Commitment to opposing new EGM applications**
- **Commitment to lobbying state government**
- **Additional planning scheme restrictions**
- **Commitment to fund legal action at VGCCC/VCAT**
- **Publish VGCCC-audited loss statements online**

# CITATIONS

- RCOW Council Plan 2021-25  
(<https://www.wangaratta.vic.gov.au/files/assets/public/v/1/council-plan-2021-2025.pdf>)
- VGCCC Expenditure Data (<https://www.vgccc.vic.gov.au/resources/information-and-data/expenditure-data>)
- ABS Wangaratta Data (<https://www.abs.gov.au/census/find-census-data/quickstats/2016/UCL213018>)
- Victorian population gambling and health study 2018–2019  
([https://responsiblegambling.vic.gov.au/documents/759/Population\\_study\\_2018\\_2019\\_PUBLISHED\\_REPORT\\_March\\_2020.pdf](https://responsiblegambling.vic.gov.au/documents/759/Population_study_2018_2019_PUBLISHED_REPORT_March_2020.pdf))

Feedback	Proposed Changes
The policy title should reflect the aim - gambling harm minimisation.	Rename to: Policy to Reduce Harm from Gambling & Strategic Plan to Reduce Harm from Gambling
<b>Objectives</b> <ol style="list-style-type: none"> <li>1. Remove the word 'vulnerable' to clarify that anyone can experience harm from gambling</li> <li>2. Maximising opportunities for gambling activities to deliver social and economic benefits conflicts with the harm minimisation aims of the policy</li> <li>3. Focus on partnerships with those that provide services to people directly affected by gambling harm, not indirectly</li> <li>4. Advocacy to state government</li> </ol>	<ol style="list-style-type: none"> <li>1. Reword to: Protect the community from the social, psychological and economic harms caused by gambling.</li> <li>2. Remove this objective</li> <li>3. Reword to: Strengthen our partnerships with organisations that provide services to people directly affected by gambling-related harm.</li> <li>4. Added objective: Support advocacy to State and Federal government to protect the Wangaratta community from gambling-related harm.</li> </ol>
<b>Pillars</b> <ol style="list-style-type: none"> <li>1. Statement conflicts with aims, is a 'business-as-usual' statement, Council has little ability to impact the gambling industry</li> <li>2. Needs to be clearer, questions around whether Council has the ability to measure engagement with services that people impacted by gambling.</li> </ol>	<ol style="list-style-type: none"> <li>1. Reword to: Council will prevent or manage all forms of gambling on Council owned land and will support community groups, organisations and businesses offering gambling products to reduce their reliance on gambling-derived revenue.</li> <li>2. Reword to: Council will be a leader in advocating to Federal and State Government and adjacent local governments, to implement harm reduction approaches, policies and legislation amendments</li> </ol>
<b>Policy Statement</b> <ul style="list-style-type: none"> <li>• Focus on Council's approach and remove language that suggests there are benefits associated with gambling products.</li> <li>• Support for using a public health approach and terminology.</li> </ul>	Include Council's position to oppose an increase in the number of EGMs in Wangaratta.
<b>Action Plan</b> <ol style="list-style-type: none"> <li>1.2 Reword for clarity and to emphasise how this relates to gambling</li> </ol>	<ol style="list-style-type: none"> <li>1.2 Reword to: Discourage conducting Rural City of Wangaratta activities, social outings, meetings or municipal events at venues that provide any form of gambling. Exemptions will be made for commemorative events such as ANZAC Day, Vietnam Veteran's Day, and Remembrance Day commemorations, fundraising events that support disadvantaged</li> </ol>

Feedback	Proposed Changes
	groups in the community, and events that provide recognition for volunteers.
1.3 Feedback was very supportive of this action. Most feedback suggested stronger language (replacing 'discourage' or 'minimise' with 'prohibit') and clear details around how these will be implemented	
2.2 Be more specific and name the networks. Many recommendations to join the Alliance for Gambling Reform	2.2 Reworded and separated into two actions: <ul style="list-style-type: none"> <li>Support the work of neighbouring councils to enhance combined regional approaches in reducing harm from gambling.</li> <li>Join the Alliance for Gambling Reform</li> </ul>
2.3 State Government Community Support Fund does not minimise harm	2.3 Remove this action
2.4 Strong support for this action, many community members noted their disapproval of the current Community Benefit Scheme.	2.4 Reword to be specific about changes: Advocate to the State Government for changes to the Community Benefit Statement, including removing the Class B (Indirect community benefits) and Class C (miscellaneous) categories.
3.2 Include wording specifying that Council will engage an external social and economic impact assessment agency to complete the social and economic impact assessment.	3.2 Minor rewording
3.4 Recommendation to replace the word 'discourage' with 'advocate to prohibit', and removing references to communities being 'vulnerable to gambling-related harm' as all communities can be vulnerable to gambling harm.	3.4 Reword to: Advocate to prohibit new gaming operators in communities with limited access to non-gambling activities.
3.6 The funders of Gambler's Help do not endorse or accept monetary community contributions from gambling venues. Gateway Health recommends directing the funds towards addressing population risk factors, precursors for gambling-related harm, or educational campaigns to raise awareness of gambling risks and harms.	3.6 Reword to remove references to gambler's help services and specify community contributions should be used to address population risk factors.
4.1 Be more specific in what this will look like	4.1 Reword to: Report to Council twice annually on latest gambling-related research, data collection or government enquiries.
4.3 focus on working with community partners, working with EGM venues is outside of the scope of this strategy	4.3 reword to remove references to working with EGM venues
4.4 Community support for this action, more detail requested for how this goes beyond business-as-usual	4.4 no change, will provide more detail in implementation plan



# Gender Impact Assessment Template

## What is a Gender Impact Assessment?

Gender Impact Assessments are a way of thinking critically about how a proposed policy, program or service might have different impacts or lead to different outcomes for people of different genders.

## When to use this template

Under the *Gender Equality Act 2020*, Council must undertake a gender impact assessment when developing or reviewing any policy, program, or service which has a direct and significant impact on the public.

Please refer to the **Gender Impact Assessment Framework** for more guidance on Gender Impact Assessments. Contact the Community & Recreation Team via [genderequity@wangaratta.vic.gov.au](mailto:genderequity@wangaratta.vic.gov.au) if you have any queries throughout the GIA process.

Responsible Officer:	Denise Pirko
Policy, Program or Service being assessed:	Gambling Policy

## 1. Define the issues and challenge assumptions

The aim of this step is to challenge internal biases and assumptions and build an understanding of how issues of gender, cultural identity, race, ethnicity, ability, sexual orientation or identity, age and socio-economic background all shape how a policy, program or service might be used or experienced by different groups or individuals.

**Section 1: Define the Issue and your assumptions**  
*Define - the project (policy, program, project, service or strategy) you are working on and identify its reach and potential impacts on people of different genders and backgrounds*

1.	Type of initiative (select one)
	<input checked="" type="checkbox"/> policy <input type="checkbox"/> program <input type="checkbox"/> service <input type="checkbox"/> project <input type="checkbox"/> strategy
2.	Short description of the project & what issue it is aiming to address
	Development of a policy with the aim of reducing harm from gambling
3.	Responsibility for this work
	Directorate: Community and Infrastructure Business Unit: Community Services Responsible Officer: Denise Pirko



## Gender Impact Assessment Template 2

	Manager: Ben Thomas
4.	Which of the gender sub-groups will be affected by your work? Will any be affected more than others?
	<input type="checkbox"/> Men / boys <input type="checkbox"/> Women / girls <input type="checkbox"/> Gender diverse people  Perception that men will be more affected as they are more likely to be problem gamblers, however women are often more impacted by the harms related to problem gambling through family violence
5.	What is the issue this policy, program, or service is aiming to address? Why is this needed?
	The policy is aiming to reduce harm from gambling in the Wangaratta community.  Problem gambling impacts more than just the individual, with up to 10 people impacted by one problem gambler
6.	How is this policy, program, or service likely to have different impacts for people of diverse genders, age, ability, cultural identity, and sexual orientation?
	People who are socially isolated Men Young adults Older people People with a low socioeconomic status People with mental illness
7.	What are the different needs from different people who access this project? <i>What sectors of the public will benefit from this project? Can you think of any sectors of the public that would be disadvantaged? Consider social roles and responsibilities as well as other intersections such as disability, cultural identities, age, gender identity and sexual orientation.</i>
	Venues with EGMs Sporting clubs  Need to support alternative social activities to gambling
8.	Will some people benefit more than others? What are those needs or benefits?
	Families of problem gamblers

**Section 2: Measure and Understand the Issue**

**Measure - what data or information can you collect to understand the potential impacts on different genders? Are there stakeholders you need to identify or consult to gain an understanding?**

<b>9.</b>	<p>What information is available to understand who is likely to be affected by the policy, program or service?</p> <p><i>Is there any information available to help you understand the potential uptake and impacts of this policy, program, or service on people of diverse genders, age, ability, cultural identity, and sexual orientation?</i></p> <p><i>Has any previous consultation with stakeholders been undertaken? What data is available via desktop research?</i></p>				
	<p>State-level data on gambling</p> <p>Consultation with Gamblers Help service</p> <p>Venue- and LGA-level data on monthly player loss</p>				
<b>10.</b>	<p>What did the research and evidence tell you?</p> <p><i>(If you cannot find any relevant data, can you work out a way to obtain it now or in the future?)</i></p>				
	<p>Working-aged men are more likely to seek help for gambling problems than any other demographic.</p>				
<b>11.</b>	<p>Have you heard from all groups that will be impacted by the project?</p> <p><i>Who have you not heard from that you need to consider? How could you get input or information from that group? How can you engage that group or sub group?</i></p>				
	<p>Need to consult with venues, sporting clubs, health and wellbeing partners</p>				
<b>12.</b>	<p>Considering the gender impacts and the information gathered, what possible solutions are there, and what are the costs, benefits, and risks?</p> <p>For each proposed solution describe the proposed changes to the project, identify the potential benefits and costs, and assess the overall gender impact – do the benefits outweigh the costs or vice versa?</p>				
	<table> <tr> <th><b>Positive gender impact:</b></th><th><b>Negative or neutral gender impact:</b></th></tr> <tr> <td> <p><i>Considers gender norms and roles for people of different genders and how they affect access to and control over resources.</i></p> <p><i>Promotes the reduction or elimination of existing gender gaps.</i></p> <p><i>Addresses the causes of gender-based health inequities, including prevention of violence against women, girls and gender diverse people.</i></p> <p><i>Includes ways to transform harmful gender norms, roles and relations.</i></p> </td><td> <p><i>Perpetuates gender inequality by reinforcing unbalanced norms, roles and relations.</i></p> <p><i>Privileges men over women and gender diverse people, or vice versa.</i></p> <p><i>Ignores differences in opportunities and resource allocation for people of different genders.</i></p> <p><i>Does not consider issues of intersectionality.</i></p> </td></tr> </table>	<b>Positive gender impact:</b>	<b>Negative or neutral gender impact:</b>	<p><i>Considers gender norms and roles for people of different genders and how they affect access to and control over resources.</i></p> <p><i>Promotes the reduction or elimination of existing gender gaps.</i></p> <p><i>Addresses the causes of gender-based health inequities, including prevention of violence against women, girls and gender diverse people.</i></p> <p><i>Includes ways to transform harmful gender norms, roles and relations.</i></p>	<p><i>Perpetuates gender inequality by reinforcing unbalanced norms, roles and relations.</i></p> <p><i>Privileges men over women and gender diverse people, or vice versa.</i></p> <p><i>Ignores differences in opportunities and resource allocation for people of different genders.</i></p> <p><i>Does not consider issues of intersectionality.</i></p>
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	Proposed Solution	Potential Benefits	Costs and Risks	Gender Impact
1	Ensure health promotion approach is embedded	<ul style="list-style-type: none"><li>• Best practice</li><li>•</li></ul>	<ul style="list-style-type: none"><li>• More on council to deliver possibly</li><li>•</li></ul>	Positive
2	Consult with health and wellbeing partners, not just venues and clubs	<ul style="list-style-type: none"><li>• Wider understanding of gambling harms</li></ul>	<ul style="list-style-type: none"><li>• Could end up with policy that isn't as palatable to councillors</li></ul>	Positive

Section 3: Recommendations

*Analyse and Improve - based on your research, what solutions or recommendations are proposed to ensure the initiative addresses the needs of different genders and promotes gender equality? Consider your proposed solutions and explain how your final recommendations meet the needs of person of different genders and/or intersectionality.*

	Recommendation	Justification
1	The gambling policy will be guided by best practice and health-based approach in line with current Victorian Health recommendations	This will ensure the policy is aligned with the state direction and social impacts of gambling are considered
2	Health and Wellbeing stakeholders in community to be consulted to get feedback from those that provide gambling help and see impacts of gambling	Input from those with experience of the impacts of gambling in our community.

**Finalising your assessment** provide a statement to acknowledge that a Gender Impact Assessment (GIA) has been completed and how this project conforms to the Gender Equality Principles as outlined in the Gender Equality Act 2020.

<b>GIA Acknowledgement Statement (to be copy &amp; pasted into the original initiative document).</b> Provide a statement to acknowledge that the requirement for a Gender Impact Assessment (GIA) has been considered and how this project conforms to the Gender Equality Principles as outlined in the Gender Equality Act 2020:  The Gambling Policy has had a Gender Impact Assessment (GIA) completed and is compliant with the obligations and objectives of the Victorian <i>Gender Equality Act 2020</i> .
--

Author:	Kirsty Barnes
Date GIA completed:	March 2023
Reviewed and approved by:	Denise Pirko
Date reviewed and approved:	August 2023

Send your completed assessment to the Community & Recreation Team via [genderequity@wangaratta.vic.gov.au](mailto:genderequity@wangaratta.vic.gov.au)

**Community & Recreation Team Actions – Progress Reporting Requirements**

Entered into GIA register:	September 2023
3 month follow up scheduled:	December 2023

1.1.1.1 PLANNING PERMIT APPLICATION PInApp23/064 - Demolition of an existing dwelling and associated outbuildings, buildings and works for the construction of two dwellings, 2-lot subdivision, vegetation removal and replacement of a front fence AT 121 Templeton Street WANGARATTA VIC 3677.

**Author:**

PInApp23/064

**Reviewed by:**

**Background**

**Applicant:** North East Planning Plus  
**Owner:** Ultra Project Developments Pty Ltd  
**Subject Land:** Lot 4 LP 4153 Vol 4788 Fol 433  
121 Templeton Street WANGARATTA VIC 3677  
**Zone/s:** Neighbourhood Residential Zone - Schedule 1  
**Overlay/s:** Heritage Overlay – HO16

**Recommendation**

It is recommended that Council issue a Notice of Refusal for the demolition of an existing dwelling and associated outbuildings, buildings and works for the construction of two dwellings, 2-lot subdivision, vegetation removal and replacement of a front fence at 121 Templeton Street Wangaratta.

**Site & Context**

The subject site is located on the southern side of Templeton Street, immediately south of the private hospital. The subject site is a rectangular parcel of land with a land area of 883sqm. The site currently contains a single-storey detached dwelling. The existing dwelling is of early 20<sup>th</sup> century construction, although has had a number of alterations throughout the years (changes to windows, roofing, addition of verandah and carport, front fencing changes, etc). The dwelling itself is setback approximately 6m from the front boundary (the verandah encroaches approximately 1.5m into that setback), which is consistent with the immediately adjoining dwellings.



*Streetscape image of the subject site (white dwelling with red iron sheeting roof) with neighbouring dwellings.*



*Aerial image of the subject site in context with the surrounding area*

The subject site is located within a Heritage Precinct (HO16 – Templeton and Rowan Streets West Precinct). The statement of significance for the HO16 precinct is as follows:

*The precinct still largely reflects the two periods of busiest construction in Wangaratta (ie. c1880-1910 and 1920-1940). Buildings are mostly little altered (seen from the street), and there are relatively few recent intrusions in the coherent streetscapes. Streets have the characteristic layout of a 19th Century Victorian country town - wide enough for a bullock dray to turn and, thankfully, wide enough for the avenues of superb shade trees, which mostly, like the houses, still survive. The precinct reflects the egalitarian nature of a country town supported by an agricultural & pastoral economy. There are no narrow streets of narrow terraces, or tiny uniform cottages built for domestic servants, factory workers or coal miners (like Lithgow in NSW), nor boulevards with rows of mansions for the gentry. In Wangaratta, the gentry mostly lived on their rural properties, and the urban upper classes mixed it with their employees and servants, local tradesmen and labourers, often in adjoining houses. The historic, aesthetic (architectural) and social significance of the precinct is expressed in the broad streets and shady trees as well as in the eclectic mix of housing, of a wide range of sizes and in styles developing over time. The buildings contributing to this significance are shown on the urban precinct maps. Buildings which have some special significance, or are of a quality which makes them stand-out representatives of the significance of the precinct are listed separately as heritage items, and described in the heritage study inventory under individual item numbers. (Hermes No. 118588 Place Citation Report 2013).*

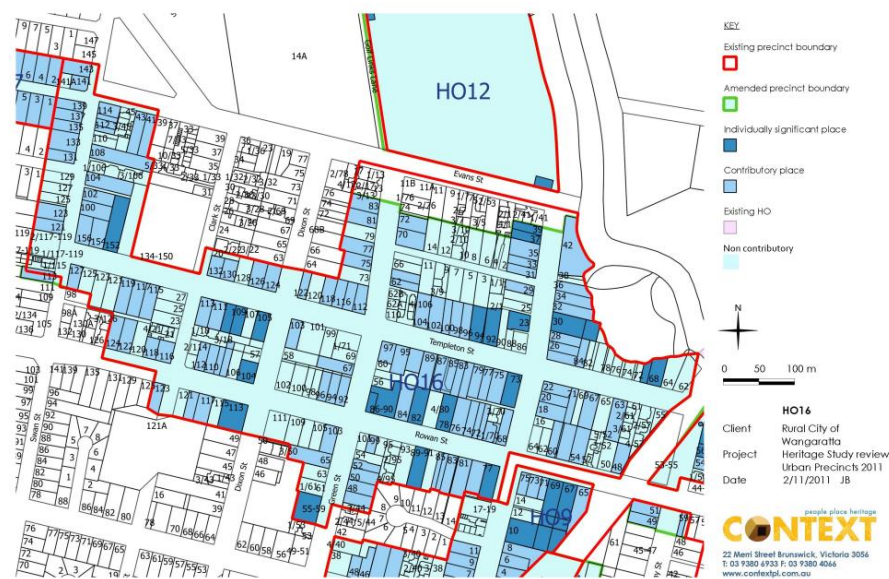
The subject site itself is not a contributory place to the significance of the precinct, although the following neighbouring properties have the following significance:

- 119 Templeton Street (immediately east of the subject site): contributory.



- 117 Templeton Street: contributory.
- 115 Templeton Street: contributory.
- 152 Templeton Street (immediately north of the subject site): individual.
- 124 Rowan Street (immediately south-east of the subject site): contributory.
- 122 Rowan Street: contributory.

There are also a number of contributory sites within a 200m radius of the subject site on Swan Street and further along Rowan and Templeton Streets.



*Heritage precinct showing individually significant properties in dark blue, contributory properties in a medium blue, and non-contributory properties in light blue.*



*Templeton Street streetscape looking east from the subject site.*



*Templeton Street streetscape looking west from the subject site towards Swan Street.*

The surrounding streetscape contains a highly intact residential character. The private hospital on the northern side of Templeton Street is respectful of this character through its single storey construction and provision of landscaping between the parking area and front of the reception building. The residential buildings contain a mix of building styles due to the development occurring throughout the late 19<sup>th</sup> century and early to mid 20<sup>th</sup> century. The majority of the dwellings immediately surrounding the subject site are of early 20<sup>th</sup> century construction with a distinct 1910 to 1930 bungalow style dominance (115-119, 154 and 156 Templeton Street fall within this character style). There are also a few Edwardian style dwellings within the streetscape as well, particularly 152 Templeton Street which is the individually site within the immediate streetscape.

The streetscape has a consistent single storey character, it is noted that there are double storey developments further east on Templeton Street closer to the railway and commercial end of the precinct. Although, Templeton Street is unique in that each section between intersections has its own unique identity (the area closer to the town centre has more late 19<sup>th</sup> century dwellings and a denser development pattern whilst the western end of Templeton Street has a less built up feeling and low scale development pattern). This character is especially noticeable at the human scale given the high walkability of the precinct and connectivity with walking trails along One Mile Creek and the Ovens River.

The surrounding dwellings along Templeton Street also retain their original subdivision pattern. It is noted that there are unit developments immediately south of the subject site along Rowan Street, although this is a unique section of Rowan Street as it contains commercial premises at the intersection of Rowan Street and Swan Street. It is also noted that those unit developments are single storey, with small building footprints (i.e. the rear units are not particularly visible from Rowan Street).



*Rowan Street showing commercial premises with the two right lots containing units to the rear.*

### **Proposal**

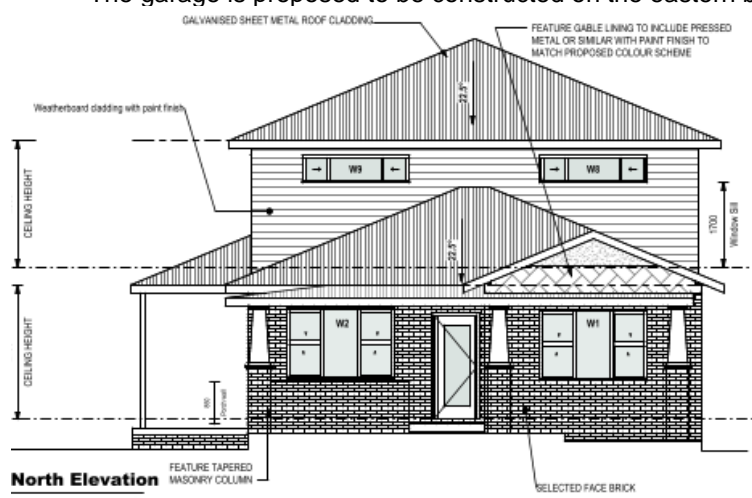
The application seeks to demolish the existing dwelling and outbuildings on the land and clear the site of all existing vegetation (planted shrubs and small ornamental trees). The application then seeks to construct two new dwellings on the land. The details of the dwellings are as follows:

#### **Townhouse 1:**

- Two storeys.



- Three bedrooms, double garage, open kitchen/family room, two bathrooms, laundry and additional rumpus and patio.
- Exterior design to replicate interwar bungalow features (verandah posts and gable end roof feature) to ground floor with modern hipped roof and weatherboard clad first floor.
- Front setback of 6m to the front boundary (to front wall, excludes verandah encroachment of 0.75m).
- Maximum building height of 8.1 metres (first floor roof apex).
- The garage is proposed to be constructed on the eastern boundary.



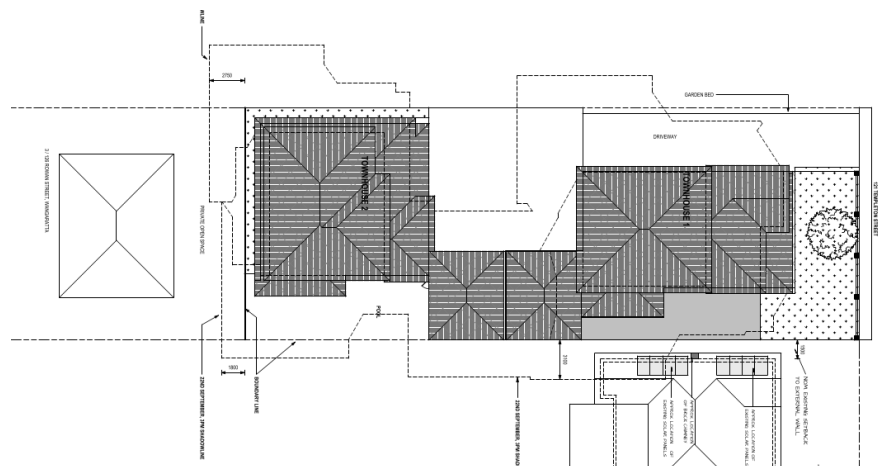
Front elevation of Townhouse 1.

#### Townhouse 2:

- Two storeys.
- Three bedrooms double garage, open kitchen/family room, two bathrooms laundry and additional rumpus and patio.
- Distinctly modern external design. Brick to ground floor and weatherboards to first floor. Hipped roof design throughout.
- Partially visible from Templeton Street via the proposed shared driveway.
- Maximum building height of 7.5m (first floor roof apex).
- Proposed to be setback 0.8m from the rear and side (western) boundary. The garage is proposed to be constructed on the eastern boundary.

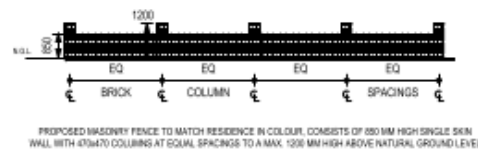


Front elevation of Townhouse 2.



Site plan for proposed development.

The application also seeks to construct a front fence in the same red brick as the ground floor of the proposed dwellings. The front fence is proposed to measure a maximum of 1.2m in height (pier height).

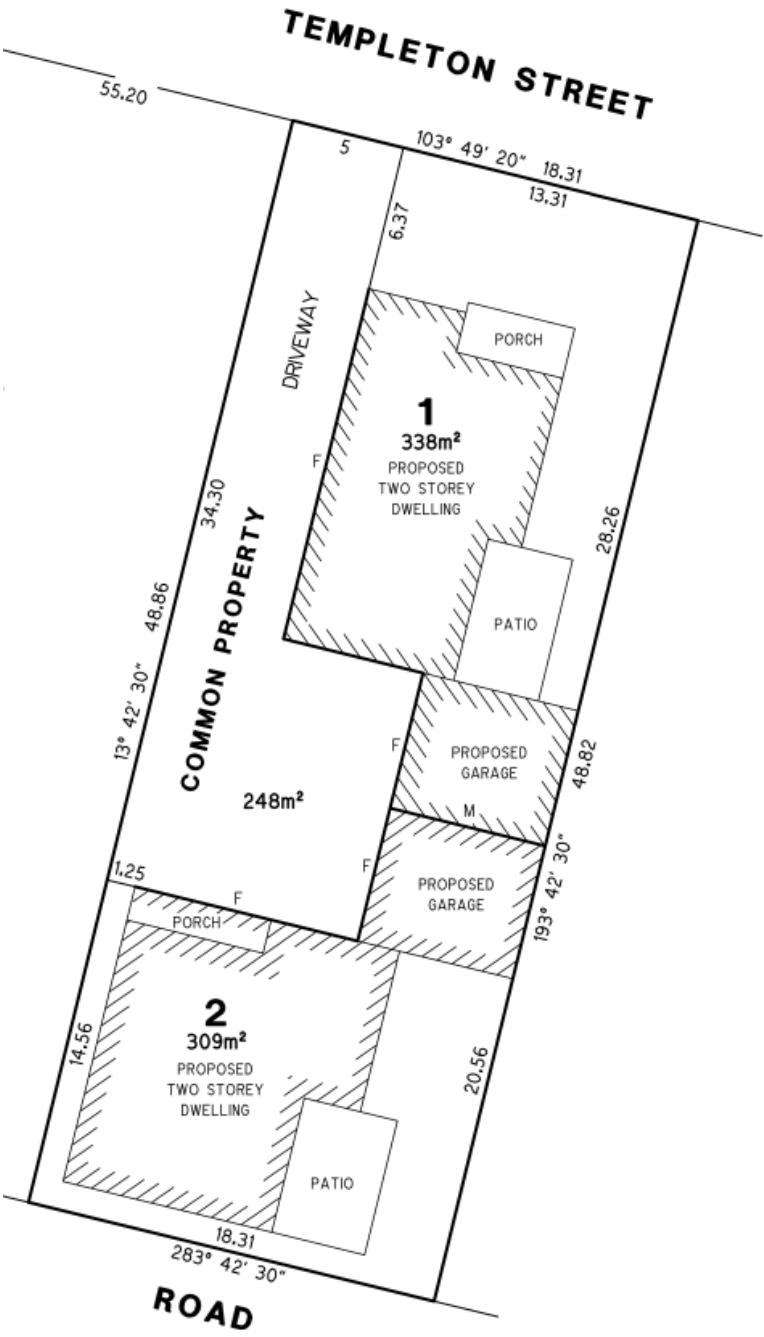


PROPOSED MASONRY FENCE TO MATCH RESIDENCE IN COLOUR. CONSISTS OF 880 MM HIGH SINGLE SKIN WALL WITH 473x470 COLUMNS AT EQUAL SPACINGS TO A MAX. 1200 MM HIGH ABOVE NATURAL GROUND LEVEL.

#### Front Fence Elevation

1:100

The proposal also seeks to subdivide the land into two lots to correspond with the proposed development. Each dwelling would be accessed via a shared driveway (common property) on the western side of proposed Townhouse 1.



Proposed plan of subdivision.

**Planning Permit Triggers**

- Clause 32.09-3: Subdivision of land
- Clause 32.09-7: Construction of two or more dwellings on a lot
- Clause 43.01-1: Demolition of a building
- Clause 43.01-1: Construct a building/s
- Clause 43.01-1: Subdivision of land
- Clause 43.01-1: Install a front fence
- Clause 43.01-1: Removal of a tree/s

**Relevant Planning Provisions**

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

<b>Policy:</b>	<b>Objective/Strategy:</b>
Clause 02.03-5 (Built form and heritage)	<p>Council seeks to:</p> <ul style="list-style-type: none"><li>• Encourage the restoration and reconstruction of heritage places in the Heritage Overlay.</li><li>• Encourage built form that is proportionate in scale and respects places of identified heritage value.</li></ul>
Clause 15.01-1S (Urban design)	<p>To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.</p> <p>Strategies include:</p> <ul style="list-style-type: none"><li>• Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.</li></ul>

Policy:	Objective/Strategy:
Clause 15.01-2S (Building design)	<p>To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.</p> <p>Strategies include:</p> <ul style="list-style-type: none"><li>• Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.</li><li>• Ensure development responds and contributes to the strategic and cultural context of its location.</li><li>• Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.</li></ul>
Clause 15.01-3S (Subdivision design)	<p>To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.</p>

Policy:	Objective/Strategy:
<p>Clause 15.01-5S (Neighbourhood character)</p>	<p>To recognise, support and protect neighbourhood character, cultural identity, and sense of place.</p> <p>Strategies include:</p> <ul style="list-style-type: none"> <li>• Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</li> <li>• Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place of respecting the: <ul style="list-style-type: none"> <li>○ Pattern of local urban structure and subdivision.</li> <li>○ Underlying natural landscape character and significant vegetation.</li> <li>○ Neighbourhood character values and built form that reflect community identity.</li> </ul> </li> </ul>
<p>Clause 15.01-5L (Neighbourhood character)</p>	<p>Protect residential neighbourhoods with heritage and environmental constraints as areas of minimal change.</p> <p>Protect areas of heritage value, neighbourhood character and court or cul-de-sac locations from development that will undermine the character or amenity of these areas.</p>
<p>Clause 15.03-1S (Heritage conservation)</p>	<p>To ensure conservation of places of heritage significance.</p> <p>Strategies include:</p> <ul style="list-style-type: none"> <li>• Encourage appropriate development that respects places with identified heritage values.</li> </ul>

Policy:	Objective/Strategy:
Clause 15.03-1L (Heritage places and precincts)	<p>Strategies include:</p> <ul style="list-style-type: none"> <li>• Design infill buildings to be compatible with, and recessive to, the significance of the heritage place and adjoining heritage places.</li> <li>• Design subdivision to be in keeping with the historic subdivision character of the site, the significance of the heritage place and any adjacent heritage places.</li> <li>• Support new or replacement front fences that are consistent with the architectural style of the building and interpret the prevailing character in the immediate environs, in particular the prevailing height, form, materials and degree of transparency.</li> </ul>
Clause 16.01-1L (Housing supply)	Limit infill development in the Neighbourhood Residential Zone.

### **Zone**

#### *Clause 32.09 – Neighbourhood Residential Zone – Schedule 1 (NRZ1)*

The subject site is located within the NRZ1 pursuant to Clause 32.09 of the Scheme. The purpose of the NRZ1 is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

It is noted that the proposal meets the minimum garden area requirements (25% garden to be provided for each proposed lot with a land area less than 400sqm).

The decision guidelines of Clause 32.09-14 relevant to this application are as follows:

- The purpose of this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The pattern of subdivision and its effect on the spacing of buildings.

### **Overlay/s**

#### *Clause 43.01 – Heritage Overlay (HO16)*

The subject site is affected by the HO16 pursuant to Clause 43.01 of the Scheme. The purpose of the HO16 is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The decision guidelines of Clause 43.01-8 relevant to this application are as follows:

- Any applicable statement of significance, heritage study and any applicable conservation strategy.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.

### **Particular provision/s**

#### *Clause 52.06 – Car parking*

The purpose of Clause 52.06 is as follows:



- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Table 1 at Clause 52.06-5 requires the provision of at least two car parking spaces to each three or more-bedroom dwelling. At least one of those spaces must be undercover.

Clause 52.06-9 sets out the design standards for car parking. The proposed garages for both Townhouse 1 and Townhouse 2 do not meet the parking space dimension requirements for a double garage, as the internal storage reduces the parking space length to 5.7m which is non-compliant with the required 6m (Design Standard 2). Whilst Design Standard 1 requirements for vehicles exiting in a forward-facing direction are not mandatory for two dwelling developments, the design does not permit as the vehicles for Townhouse 2 to exit the site in a forward-facing direction and those vehicles would be forced to reverse with a turning manoeuvre for approximately 22m. Another concern is the ability for the northern most vehicle for Townhouse 1 to be able to exit back into the shared driveway without connecting with the corner of that dwelling (sharp 90-degree corner rather than a corner splay). A further concern is the visibility for vehicles exiting either garage to be able to see oncoming vehicles entering the site due to the sharp, blind corner of Townhouse 1. The applicant has not provided turning diagrams demonstrating that safe vehicle movements can be achieved within the site.

*Clause 53.01 – Public Open Space Contribution and Subdivision*

A person who proposes to subdivide land must make a contribution to the Council for public open space. Pursuant to Clause 53.01-1, a subdivision is exempt from a public open space requirement if it subdivides land into two lots and the Council considers that it is unlikely that each lot will be further subdivided. Based on the development accompanying the proposed subdivision, it is considered unlikely that each proposed lot would be able to be further subdivided, therefore, a public open space contribution would not be considered applicable in this instance if a permit were issued.

*Clause 55 – Two or more dwellings on a lot and residential buildings*

The purpose of Clause 55 is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.
- To encourage residential development that provides reasonable standards of amenity for existing and new residents.
- To encourage residential development that is responsive to the site and the neighbourhood.

An assessment against the relevant provisions of Clause 55 has been undertaken and the proposal is generally consistent with the requirements of this provision. Issues relating to neighbourhood character under Clause 55.06-1 (Design detail / Standard B31) are discussed later in this report.

#### *Clause 56 – Residential subdivision*

The purpose of Clause 56 is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create liveable and sustainable neighbourhoods and urban places with character and identity.
- To achieve residential subdivision outcomes that appropriately respond to the site and its context for:
  - Metropolitan Melbourne growth areas.
  - Infill sites within established residential areas.
  - Regional cities and towns.
- To ensure residential subdivision design appropriately provides for:
  - Policy implementation.
  - Liveable and sustainable communities.
  - Residential lot design.
  - Urban landscape.
  - Access and mobility management.
  - Integrated water management.
  - Site management.
  - Utilities.

An assessment against the relevant provisions of Clause 56 has been undertaken, and the proposal is generally consistent with the servicing requirements of this provision. Issues relating to subdivision pattern are discussed later in this report.

#### **Referrals**

The application was referred to the following referral authorities:

Authority	Section	Response
NECMA	External Section 52 Referral	No objection, with no conditions (NECMA noted that they do not guarantee ongoing capacity to service for the proposed development for sewer and water though).

### **Internal Departmental Advice**

Department	Response
Heritage Advisor	<p>Expressed concerns regarding the two storey nature of the development in July 2023 with suggestions that the first floor could be incorporated as an attic level (i.e. nested within the roof form to reduce the overall height). Comments also suggested the provision of a streetscape elevation to demonstrate how the two-storey proposal would be out of character for the context of the site and surrounds (a streetscape elevation was not provided).</p> <p>The final revision of the plans were forwarded to the Heritage Advisor in August 2023, with the following comments provided:</p> <p><i>The bulk and scale of the front townhouse is of concern in this context, which is a streetscape defined by single-storey dwellings.</i></p> <p><i>On this basis, my original advice still stands, that is, either omit the upper level of the front townhouse or explore having an upper storey expressed as an attic level.</i></p> <p><i>Consequently, the granting of a planning permit on this current design is not recommended.</i></p> <p>These comments were passed onto the permit applicant who requested that the application was put on hold pending consideration of the above. The applicant advised Council in November 2023 that the plans would not be revised any further.</p>
Technical Services	No objections, subject to conditions relating to the provision of a crossover and drainage.

### **Advertising**

The application was advertised to adjoining landowners and occupiers. Five objections were received and a conciliation meeting was held on the 14 July 2023. The issues were discussed and no resolutions were reached. The objections were not withdrawn. The final version of the proposed plans were circulated to the objectors for review in January 2024, no objections were withdrawn.

The issues raised in the representations are summarised below and comments made.

Issue	Comment
Concerns with how the construction will be managed to ensure no impacts to the operation of the private hospital.	Typically, standard construction conditions would be imposed on any issued permit requiring the construction to be undertaken in a manner that would not impact on the amenity (noise, dust, etc) of surrounding properties. In terms of traffic concerns with ensuring access to the private hospital along Templeton Street (car parking and patient drop off/pick up) a construction management plan could be requested outlining how the access to the hospital will not be blocked and requiring consultation with that neighbour specifically.
The development is not sympathetic to the streetscape.	This concern is consistent with officer concerns regarding visual bulk.
95 Templeton Street is a recent development that is single storey and is sympathetic to the heritage character of the streetscape.	95 Templeton Street is a modern construction that has utilised a built form that sits beneath the adjacent roof lines and is recessive to the adjoining heritage buildings. This development has not reproduced any heritage features but has sought to ensure that it does not 'stick out' within the streetscape.
The proposal is a "mockery" of the heritage streetscape, and the density of the development is inconsistent with the development pattern of the area.	This concern is consistent with officer concerns that the proposal represents an overdevelopment of the subject land.
The subject site itself may not be a contributory site but the neighbouring lots to the east are contributory to the heritage precinct and the proposal would disrupt the heritage values of the street.	This concern is consistent with officer concerns that the proposal has not taken the streetscape character into consideration of its design.

Issue	Comment
The proposal will detract from the visual effect of the heritage streetscape.	As above.
The proposal will strongly impact the aesthetic of the individually significant heritage site at 152 Templeton Street and will detract from the purpose of the heritage precinct.	As above. The proposal does not represent a sympathetic or recessive design compared to the heritage buildings within the immediate streetscape.
The proposal does not represent a sustainable design and would contribute to the urban heat island effect.	The proposal is compliant with the requirements of Clause 55 for solar orientation for the proposed dwellings, although it is noted that the proposed private open space would be overshadowed by the development nearly entirely during the afternoon. The solar panels to the existing dwelling to the east would not be impacted by the proposal.

### **Planning Assessment**

#### ***Heritage considerations***

The Heritage Overlay seeks to ensure that development is in keeping with the character and appearance of adjacent buildings within a heritage area. The proposal has provided only a limited response to the heritage character of the surrounding area, via the ground floor external façade to Townhouse 1. Although, the development in general is not considered to be consistent with the established heritage character of the street. The application seeks to construct two dwellings with overall buildings heights greater than 8m, which is significantly taller than any of the buildings within the immediate streetscape. New development should respect the pattern, rhythm, spatial characteristics and roof forms of the surrounding historic streetscape. The proposal has not considered the prevailing building form of the heritage streetscape, particularly of those sites which are contributory to the heritage place, which is single storey.

Policy seeks to ensure that new development is visually recessive and does not dominate the heritage place. The height and visual bulk would collectively result in a detrimental outcome to the established character of the streetscape.

#### ***Neighbourhood character and the Neighbourhood Residential Zone – Schedule 1***

The purpose of the Neighbourhood Residential Zone is to ensure that development is consistent with the established or preferred neighbourhood character, particularly in relation to the heights of new residential development.

The NRZ1 has been applied to this area as a limited change area, which is also identified in the Wangaratta Health Precinct Structure Plan. Therefore, this area is not identified as a suitable area for infill development, necessarily. Regardless, applications for more than one dwelling can be made under the NRZ1, provided the development is respectful of the neighbourhood character and the application represents an appropriate outcome overall.

Council officers and the Heritage Advisor have consistently recommended that the permit applicant revise the design of the proposal to reduce the height and visual bulk of the development. Recommendations that the two-storey nature of the dwellings could be nested into an attic level were not taken up by the proponent. The application has not demonstrated that two three-bedroom dwellings are a necessity for this site. Reducing the number of bedrooms (which would also only require a single parking space for each dwelling) and revising the overall bulk of the design would assist in ensuring that the development did not represent an overdevelopment of the site.

The streetscape has a clear single storey character. Clause 55.06-1 / Standard B31 seeks to ensure that the design of buildings respects the existing neighbourhood character. It is clear that the proposal is in direct conflict with the established neighbourhood character.

### ***Subdivision***

The proposed subdivision is not considered to be consistent with the established subdivision pattern of the heritage precinct, particularly given the intact subdivision pattern still evident within this end of the precinct. It is noted that there are unit developments to the south of the subject site, although as discussed above, those units are recessive to the front buildings on those sites and are not particularly noticeable from the streetscape. The surrounding lots along Templeton Street have not been subject to significant change and retain the regular lot arrangement from when the lots were originally created. This is sought to retain the detached dwelling character, reinforcing the larger side setbacks and landscaped front gardens typical of this area.



*Subdivision pattern of the surrounding area.*

### **Conclusion**

The proposal is not considered to represent an orderly planning outcome, particularly as the proposal is an overdevelopment of the site, is inconsistent with the established neighbourhood character of the area and is not sympathetic to the heritage significance of the surrounding area. Therefore, it is considered that the proposal is not supported.

### **Recommendation:**

That Council issue a Notice of Refusal for the demolition of an existing dwelling and associated outbuildings, buildings and works for the construction of two dwellings, 2-lot subdivision, vegetation removal and replacement of a front fence at 121 Templeton Street Wangaratta, on the below grounds.

### **Communication**

That the applicant and objectors be advised of Council's decision.

### **Grounds of Refusal**

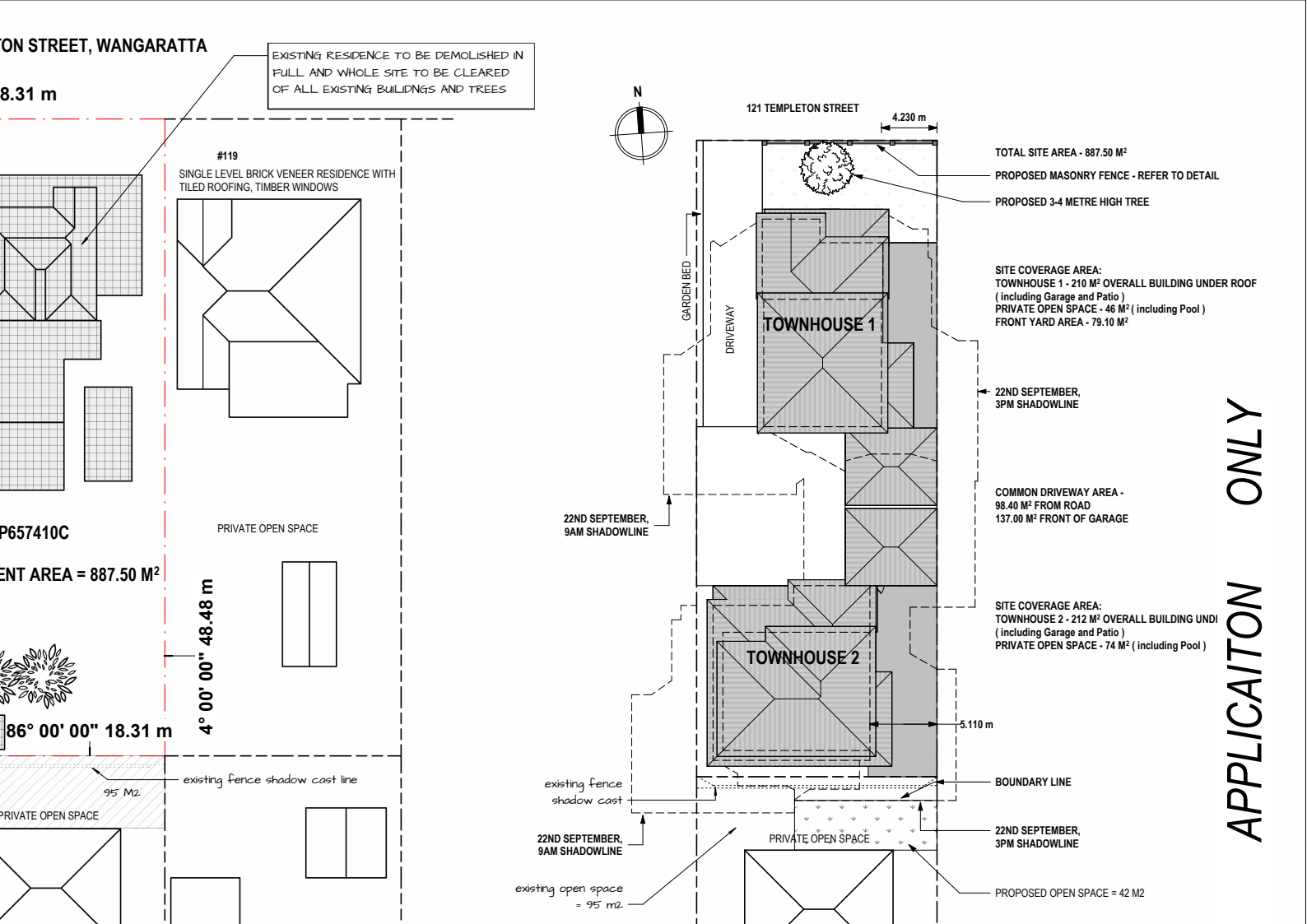
1. The proposal is an inappropriate development outcome within the Heritage Overlay and is inconsistent with the purpose of Clause 43.01 of the Wangaratta Planning Scheme to ensure that development does not adversely affect the significance of heritage places.
2. The proposal is contrary to the policy objectives of Clause 02.03-5 which encourages built form that is proportionate in scale and respects places of identified heritage value.
3. The proposal is contrary to the policy objectives of Clause 15.01-5S as the development does not respect the existing neighbourhood character.
4. The proposal is contrary to the policy objectives of Clause 15.01-5L which seeks to protect residential neighbourhoods with heritage and environmental

constraints as areas of minimal change and ensure that development does not undermine the character or amenity of those areas.

5. The proposal does not meet the policy objectives of Clause 15.03-1S as the proposal does not respect the identified heritage values of the area.
6. The proposal does not meet the strategies of Clause 15.03-1L for ensuring that infill buildings are compatible with, and recessive to, the significance of the heritage place and adjoining heritage places.
7. The proposal is inconsistent with Clause 16.01-1L which seeks to limit infill development in the Neighbourhood Residential Zone.
8. The proposal is contrary to the purpose of the Neighbourhood Residential Zone (Clause 32.09) as it fails to recognise an area of predominantly single storey residential development and does not respect the identified neighbourhood character and heritage characteristics of the surrounding area.
9. The proposal has not demonstrated compliance with the design standards of Clause 52.06 of the Wangaratta Planning Scheme for the provision of car parking and safe ingress/egress for each proposed dwelling.



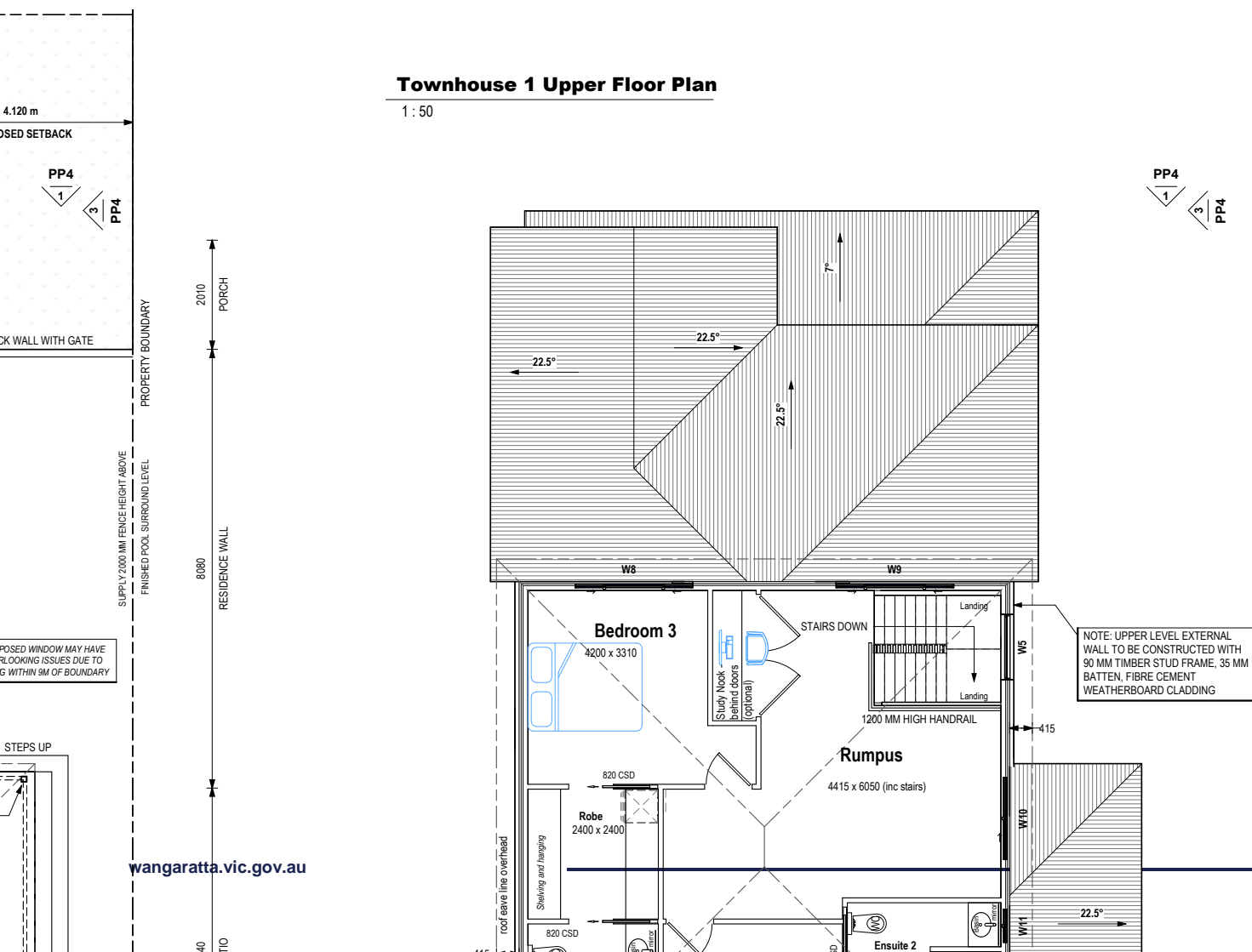




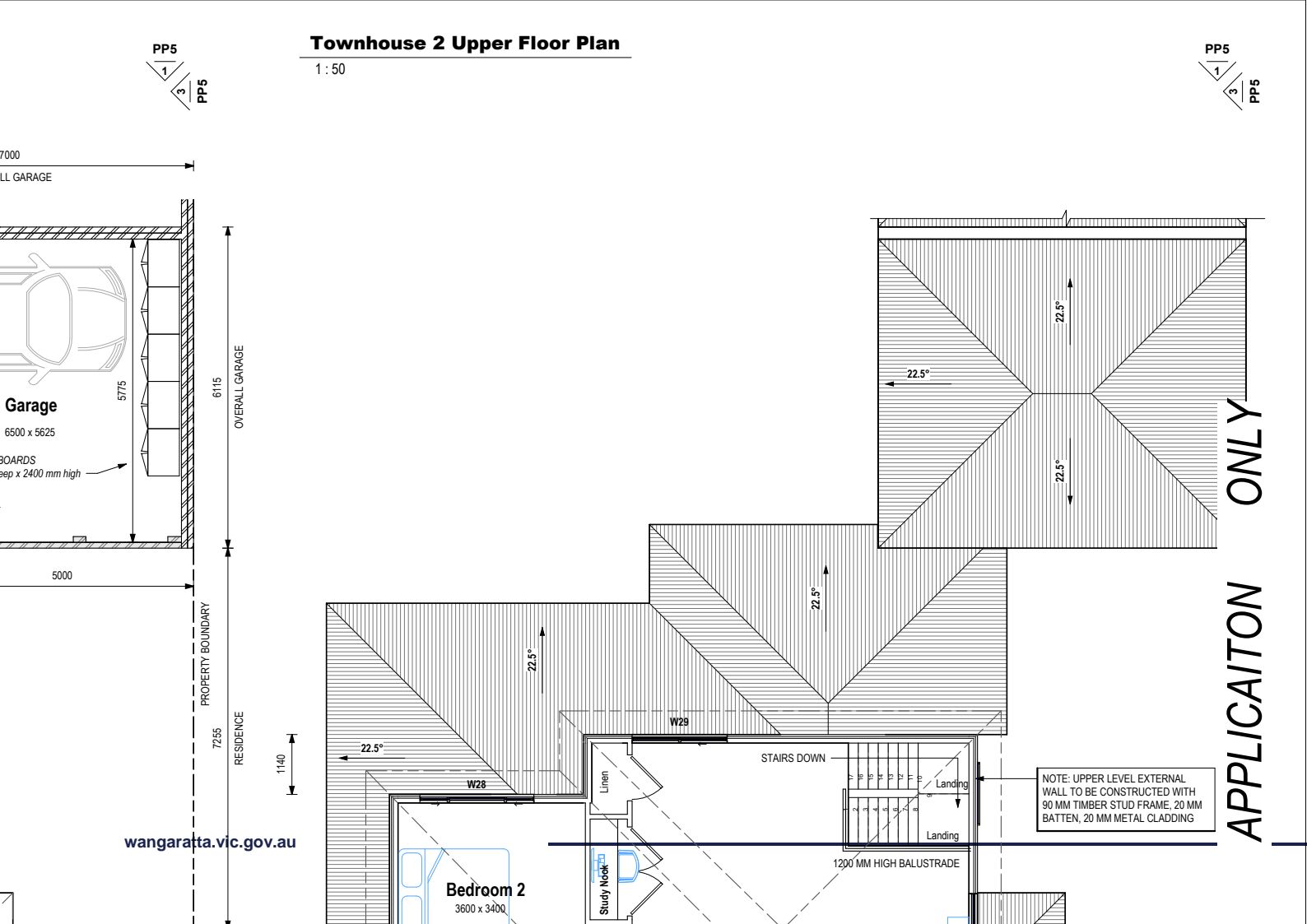
### Townhouse 1 Upper Floor Plan

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1 : 50



APPLICATION ONLY



URPL 5660

UPPER LEVEL WALL SETBACK FROM BOUNDARY

4195

6315

W13

W12

W6

Window Sill above F.F.L.

1700

Ensuite 3

Bedroom 2

Walk in Robe

22.5°

RPL 2735

Kitchen

Outdoor Patio

**2 South Elevation**

1:50 PP2

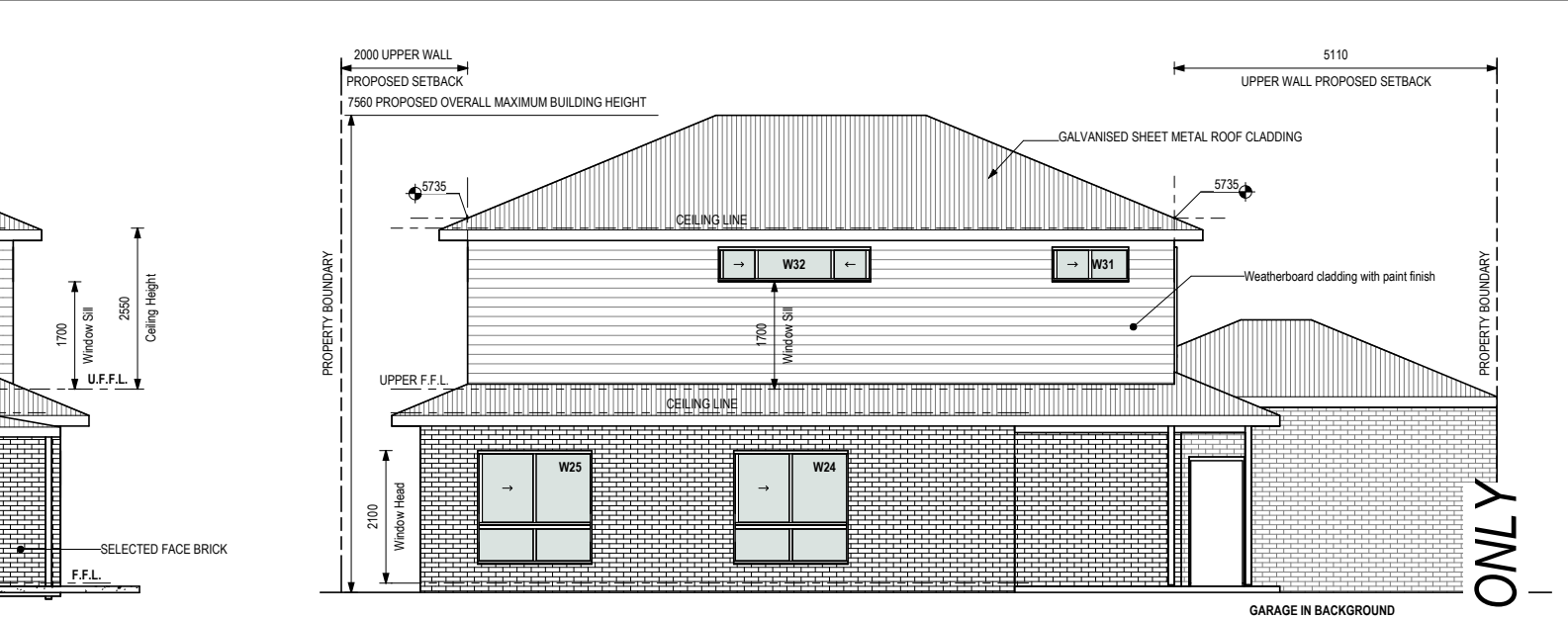
GARAGE NOT SHOWN FOR CLARITY - OUTLINE SHOWN DOTTED

REAR WALL OF PROPOSED GARAGE TO BE ON BOUNDARY

ONLY

PROPOSED WINDOW SCHEDULE						
Window No.	Room	Height	Width	Head Height	Window Style	Glazing
W1	Bedroom 1	1460	2170	2230	Timber Double hung - twin set	Double glazed
W2	Media	1460	2170	2260	Timber Double hung - twin set	Double glazed
W3	Media	1460	2170	2270	Timber Double hung - twin set	Double glazed
W4	Powder	650	610	2270	Single sliding window	Double glazed
W5	Stairs	3500	1200	5325	Fixed	Double glazed
W6	Family Room	1800	2170	2260	Single sliding window	Double glazed
W7	Laundry	1800	750	2260	Single sliding window with transom	Double glazed
W8	Bedroom 3	550	2170	2250	Twin sliding - Aluminium	Double glazed
W9	Rumpus	550	2170	2250	Twin sliding - Aluminium	Double glazed
W10	Rumpus	550	1510	2250	Single sliding window	Double glazed
W11	Ensuite 2	350	610	2250	Single sliding window	Double glazed
W12	Bedroom 2	550	2170	2250	Twin sliding - Aluminium	Double glazed
W12	Ensuite 2	350	610	2250	Single sliding window	Double glazed
W13	Ensuite 3	550	1810	2250	Single sliding window	Double glazed

APPLICA/TION ONLY



MATERIALS AND FINISHES SCHEDULE		
ITEM	MATERIAL / FINISH / COLOUR	MATERIAL IMAGE
EXTERNAL CLADDING	JAMES HARDIE 'LINEA' WEATHERBOARD CLADDING - COLOUR 'SHALE GREY'	
SELECTED FACE BRICK	RED BRICK - RECYCLED APPEARANCE	
ROOF CLADDING	CORRUGATED ROOF - COLORBOND 'SHALE GREY'	
METAL GUTTER AND FASCIA	CORRUGATED ROOF - COLORBOND 'SHALE GREY'	
VERANDAH POSTS	PAINT FINISH - WHITE	

2 South Elevation

1 : 50 PP3

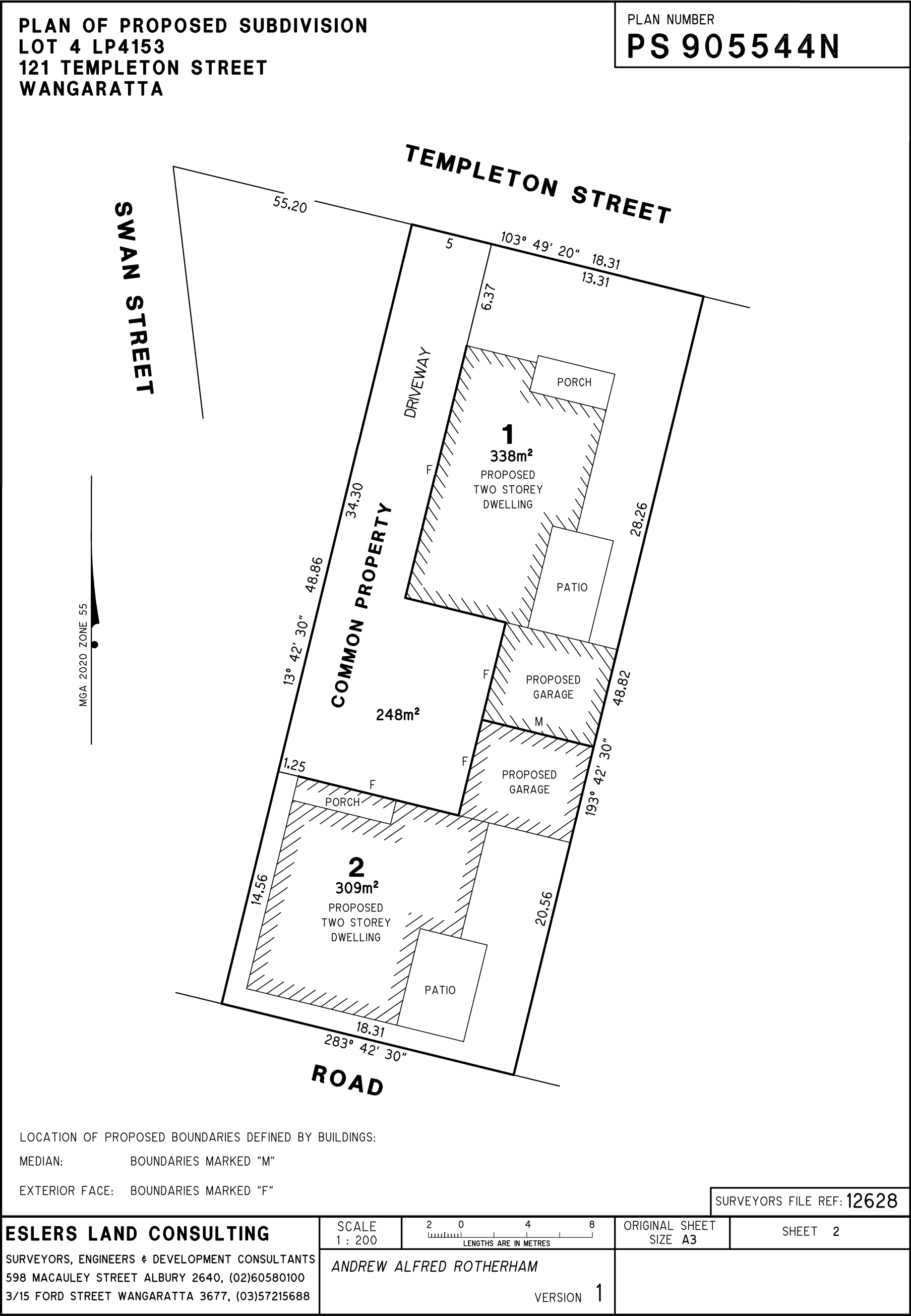
PROPOSED WINDOW SCHEDULE						
Window No.	Room	Height	Width	Head Height	Window Style	Glazing
W21	TH2 Bedroom 1	1460	2170	1550	Timber Double hung - twin set	Double glazed
W22	TH2 Media	1460	2170	1550	Twin sliding - Aluminium	Double glazed
W23	TH2 Powder	650	610	1550	Single sliding window	Double glazed
W24	TH2 Family	1800	1810	1550	Twin sliding - Aluminium	Double glazed
W25	TH2 Kitchen	1800	1810	1550	Twin sliding - Aluminium	Double glazed
W26	TH2 Laundry	750	610	1550	Single sliding window	Double glazed
W27	TH2 Ensuite	550	1210	1550	Single sliding window	Double glazed
W28	TH2 Bedroom 2	550	2170	1700	Twin sliding - Aluminium	Double glazed
W29	TH2 Rumpus	550	1810	1700	Single sliding window	Double glazed
W30	TH2 Rumpus	550	1510	1700	Single sliding window	Double glazed
W31	TH2 Ensuite 3	550	1210	1700	Single sliding window	Double glazed
W32	TH2 Bedroom 3	550	2410	1700	Twin sliding - Aluminium	Double glazed
W33	TH2 Ensuite 2	550	1210	1700	Single sliding window	Double glazed
W35	TH2 Stairs	3500	1200	4775	Fixed	Double glazed

APPLICAITON



PLAN OF SUBDIVISION			EDITION 1	PS 905544N	
<div>LOCATION OF LAND</div> <div>PARISH: WANGARATTA NORTH</div> <div>TOWNSHIP: WANGARATTA</div> <div>SECTION: 64A</div> <div>CROWN ALLOTMENT: 1 (PT)</div> <div>TITLE REFERENCE: Vol.4788 Fol.433</div> <div>LAST PLAN REFERENCE: TP 657410C</div> <div>POSTAL ADDRESS: 121 TEMPLETON STREET (at time of subdivision) WANGARATTA 3677</div> <div>MGA CO-ORDINATES: E: 438 240 ZONE: 55 (of approx centre of land in plan) N: 5 977 040 MGA 2020</div>			<div>COUNCIL NAME: RURAL CITY OF WANGARATTA</div> <div>PLAN OF PROPOSED SUBDIVISION</div> <div>LOT 4 LP4153</div> <div>121 TEMPLETON STREET</div> <div>WANGARATTA</div>		
VESTING OF ROADS AND/OR RESERVES			NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON		<div>LOCATION OF BOUNDARIES DEFINED BY BUILDINGS SHOWN BY THICK CONTINUOUS HATCHED LINES:</div> <div>MEDIAN: BOUNDARIES MARKED "M"</div> <div>EXTERIOR FACE: BOUNDARIES MARKED "F"</div>		
NIL	NIL				
NOTATIONS					
DEPTH LIMITATION DOES NOT APPLY					
<div>SURVEY:</div> <div>This plan is based on survey.</div> <div>STAGING:</div> <div>This is not a staged subdivision.</div> <div>Planning Permit No.</div> <div>This survey has been connected to permanent marks No(s).35, 81, 84 &amp; 90</div> <div>In Proclaimed Survey Area No.28</div>					
EASEMENT INFORMATION					
<div>LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)</div> <div>Easements and rights implied by section 12(2) of the Subdivision Act 1988 apply to the whole of the land on this plan.</div>					
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	
ESLERS LAND CONSULTING		SURVEYORS FILE REF: 12628		ORIGINAL SHEET SIZE: A3	SHEET 1 OF 3
SURVEYORS, ENGINEERS & DEVELOPMENT CONSULTANTS 598 MACAULEY STREET ALBURY 2640, (02)60580100 3/15 FORD STREET WANGARATTA 3677, (03)57215688		ANDREW ALFRED ROTHERHAM VERSION 1			





1.1.1.1 PLANNING PERMIT APPLICATION PlnApp23/167 - 2-lot re-subdivision AT 64 Grahams Lane HANSONVILLE VIC 3675.

**Author:**

PlnApp23/167

**Reviewed by:**

**Background**

**Applicant:** Terrence W Tanner, Estate of Judith H Tanner and North East Survey Design  
**Owner:** Estate of JH Tanner & TW Tanner  
**Subject** PC 363779 Vol 10765 Fol 343  
**Land:** CA 1 Sec 35 Par Greta Vol 3986 Fol 80  
64 Grahams Lane HANSONVILLE VIC 3675  
**Zone/s:** Farming Zone  
**Overlay/s:** None

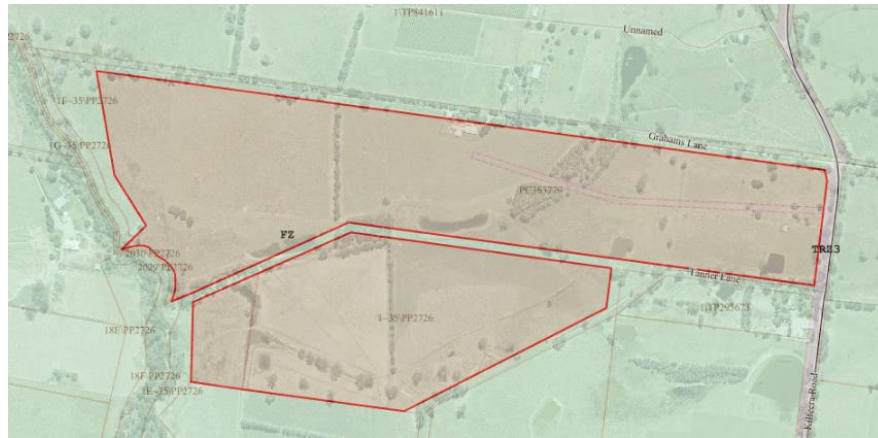
**Recommendation**

It is recommended that Council issue a Notice of Refusal for the 2-lot re-subdivision of land at 64 Grahams Lane Hansonville.

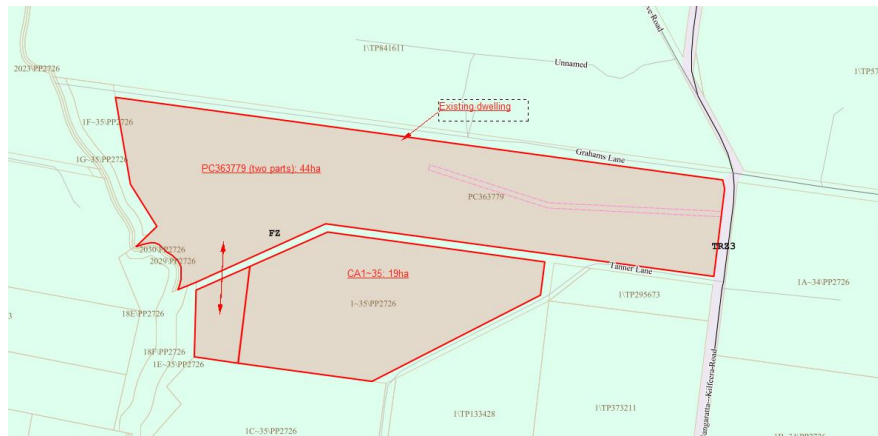
**Site & Context**

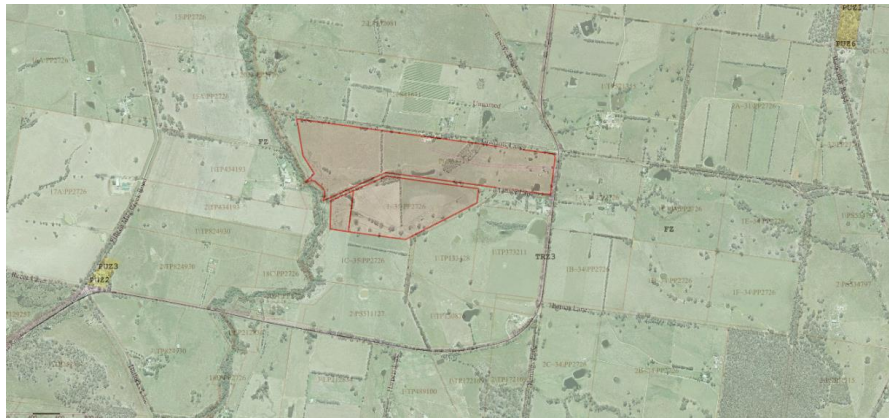
The subject site is located approximately 30km to the south of Wangaratta, on the south-west corner of Wangaratta-Kilfeera Road and Grahams Lane. The site contains a land area of 64ha between two title allotments (PC363779 and CA1~35). PC363779 is split into two parts, with a total land area of 44ha (41.6ha and 2.4ha), with CA1~35 containing a land area of 19ha. PC363779 contains an existing dwelling, with CA1~35 being vacant. The land is generally clear grazing land, with the topography of the site being undulating. A revegetated waterway traverses the site diagonally through the site and discharges into Fifteen Mile Creek which borders the site to the west. The land is currently leased out for grazing.

It is important to note that PC363779 was consolidated as a requirement of Planning Permit Pln03/052, which permitted the use and development of the land for a dwelling on a small lot to the south of the subject site. Essentially, the approval for that dwelling was justified via the consolidation of smaller lots then in common ownership to create a larger balance lot that could be used for agricultural purposes. The dwelling approved as part of Pln03/052 has since been sold off from the farm holding.



*Aerial image of the subject site.*



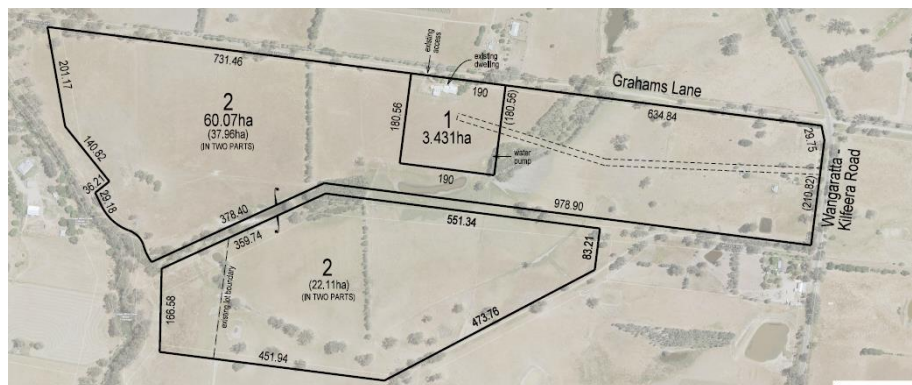


*Aerial image of the subject site and surrounds.*

### **Proposal**

The application seeks approval for the re-subdivision of the land into 2-lots to effectively excise the dwelling on PC363779. The details of the proposal are as follows:

- Proposed Lot 1 to contain the existing dwelling and cover a land area of 2.004ha.
- Proposed Lot 2 to be vacant and cover a land area of 61.51ha over two parts (split by the unmade government road).



*Proposed re-subdivision.*

The planning report supplied with the application states that the proposal is to allow the current landowner to retire in place and create a larger balance lot for agricultural purposes. The report identifies the subject site as being of moderate to high agricultural versatility and that the balance of the land could be used for a variety of purposes.

The report states the following:

In summary, this proposed re-subdivision of lots should be supported because:

- The creation of a small dwelling lot allows a local farmer to retire in the family home and be supported by his local community in the short term whilst providing long term options for rural workers and their families to locate on a small lot in an area close to agricultural employment.
- The creation of a large balance lot will provide opportunity and incentive for a new landowner to make improvements to pasture, fencing and other farming infrastructure and consider more sustainable management practices to advance agriculture in this area. Ongoing leasing of the land to tenants will stifle investment in the property.

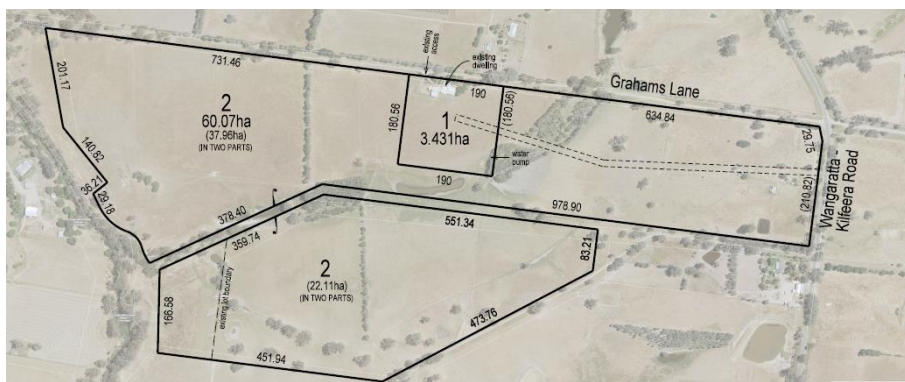
*Extract from the planning report submitted by the applicant.*

### **Previous planning application**

A previous application was made on the subject site seeking to re-subdivide the land to effectively excise the dwelling on PC363779. Planning application PInApp22/213 was refused on the following grounds:

1. *The application is fundamentally inconsistent with, and at odds with, the objectives of planning in Victoria and sound land use planning decision making.*
2. *The proposal is inconsistent with the rural land use and agricultural policies of the Wangaratta Planning Scheme, most notably Clauses 02.03-4, 14.01-1S and 14.01-1L.*
3. *The application is not supported by the purpose or decision guidelines of the Farming Zone.*
4. *The proposal has not adequately demonstrated why or how the proposed subdivision is associated with, necessary to, or will support and improve agricultural production.*
5. *The proposal results in the fragmentation and permanent loss and removal of productive agricultural land.*

That application was refused under delegation in May 2023 following a briefing to Councillors. Pre-application meetings were held with the landowner and their planning consultant prior to the lodgment of the application herein.



*Proposed re-subdivision as part of PInApp22/213.*



**Planning Permit Trigger**

- Clause 35.07-3: Subdivision of land.

**Relevant Planning Provisions**

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

<b>Policy:</b>	<b>Objective/Strategy:</b>
Clause 02.03-4 (Agriculture)	<p>Council seeks to protect the viability of agriculture by:</p> <ul style="list-style-type: none"><li>• Maintaining the productivity and versatility of agricultural land, particularly in higher agricultural 'versatility' areas.</li><li>• Protecting the primacy of rural land for agricultural purposes.</li><li>• Minimising potential amenity impacts between agricultural uses and rural lifestyle uses.</li><li>• Ensuring that dwellings and subdivision meet the principle of 'right to farm' in rural areas, where existing agricultural and rural uses in the area have a right to legally continue.</li><li>• Ensuring that dwellings and subdivisions do not adversely impact on the agricultural activities carried out on the land and the general area.</li><li>• Directing rural lifestyle development to existing Rural Living and Low Density Residential Zones.</li></ul>

<p>Clause 14.01-1S (Protection of agricultural land)</p>	<p>To protect the state's agricultural base by preserving productive farmland.</p> <p>Strategies include:</p> <ul style="list-style-type: none"> <li>• Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.</li> <li>• Protect productive farmland that is of strategic significance in the local or regional context.</li> <li>• Protect productive agricultural land from unplanned loss due to permanent land changes.</li> <li>• Prevent inappropriately dispersed urban activities in rural areas.</li> <li>• Protect strategically important agricultural and primary production land from incompatible uses.</li> <li>• Limit new housing development in rural areas by: <ul style="list-style-type: none"> <li>○ Directing housing growth into existing settlements.</li> <li>○ Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.</li> <li>○ Encourage consolidation of existing isolated small lots in rural zones.</li> </ul> </li> <li>• In considering a proposal to use, subdivide or develop agricultural land, consider the: <ul style="list-style-type: none"> <li>○ Desirability and impacts of removing the land from primary production, given its agricultural productivity.</li> <li>○ Impacts on the continuation of primary production of adjacent land, with particular regard to land values and the viability of infrastructure for such production.</li> <li>○ Compatibility between the proposed or likely development and the existing use of the surrounding land.</li> </ul> </li> </ul>
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Policy:	Objective/Strategy:
	<ul style="list-style-type: none"><li>• Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.</li><li>• Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.</li></ul>



Policy:	Objective/Strategy:
<p>Clause 14.01-1L (Dwellings and subdivisions in rural area)</p>	<p>Strategies include:</p> <ul style="list-style-type: none"> <li>• Ensure any dwelling and subdivision, particularly in higher agricultural productivity and versatility areas:               <ul style="list-style-type: none"> <li>○ Is directly linked to an agricultural use.</li> <li>○ Supports the continuing operation of an existing rural use conducted on the land.</li> <li>○ Is compatible with and will not have an adverse impact on farming and other rural land uses on the land, adjoining land and the general area.</li> <li>○ Retains the productive agricultural use of the land and surrounding area.</li> <li>○ Protects the economic potential of the land and surrounding area for agriculture or other rural activity.</li> <li>○ Is not used or created for rural lifestyle purposes.</li> </ul> </li> <li>• Discourage house lot excisions in 'high' or 'very high' agricultural versatility areas and ensure that any excision of land in all other rural areas are linked to and required for the ongoing rural and agricultural use of the land.</li> <li>• Discourage house lot excisions if the existing dwelling on the lot to be excised is required to maintain the ongoing agricultural production and rural use of the land.</li> </ul> <p>Consider as relevant:</p> <ul style="list-style-type: none"> <li>• Whether there is the need to consolidate land in a 'high' or 'very high' agricultural versatility area, if consolidation would protect the existing and future productive use of rural and agricultural land.</li> <li>• Whether a dwelling or subdivision (other than a minor realignment of boundaries) in 'high' and 'very high' agricultural versatility areas can be substantiated by a 'whole farm plan'.</li> </ul>

Policy:	Objective/Strategy:
Clause 16.01-1L (Housing supply)	Strategies include: <ul style="list-style-type: none"> <li>• Avoid residential development in areas of environmental significance, landscape significance and agricultural value.</li> <li>• Avoid residential development in rural settlements.</li> </ul>
Clause 16.01-3S (Rural residential development)	Strategies include: <ul style="list-style-type: none"> <li>• Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.</li> <li>• Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.</li> <li>• Discourage development of small lots in rural zones for residential use or other incompatible uses.</li> <li>• Encourage consolidation of existing isolated small lots in rural zones.</li> </ul>

### **Zone**

#### *Clause 35.07 – Farming Zone*

The purpose of the Farming Zone is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

The following decision guidelines of Clause 35.07-6 are relevant to this application:

- Whether the use or development will support and enhance agricultural production.

- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

### **General Provisions**

#### *Clause 65.02 – Approval of an application to subdivide land*

The following decision guidelines are relevant to this application:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.

### **Referrals**

The application was referred to the following referral authorities:

Authority	Section	Response
Ausnet	External Section 52 Referral	No objection subject to conditions relating to service connection.
Goulburn Murray Water	External Section 55 Referral	No objection subject to conditions regarding wastewater management for the existing dwelling.

### **Internal Departmental Advice**

Department	Response
Technical Services	No objection subject to conditions regarding drainage and access.

### **Advertising**

The application was advertised to adjoining landowners and occupiers. No objections were received. (It is noted that no objections were received to PlnApp22/213 either).

### **Planning Assessment**

#### ***Subdivisions in rural areas***

The purpose of the Farming Zone seeks to encourage the retention of productive agricultural land and ensure that non-agricultural uses, including dwellings, do not adversely affect the use of the land for agriculture. The proposal seeks to effectively excise the existing dwelling onto a 2ha lot and create a vacant balance lot that could be used for agricultural purposes. The purpose of the re-subdivision is to allow the landowner to retire in place in the existing dwelling.

Whilst the planning report discusses the potential for the balance lot to be used for agricultural activities, and potentially more intensive farming uses, this is considered to be at odds with the creation of a very small rural lifestyle block. Whilst it is acknowledged that proposed Lot 2 could be used for agricultural purposes, the dwelling at proposed Lot 1 would be subject to highly reduced amenity and may impact on the ability of proposed Lot 2 to be used for a variety of agricultural activities. Many intensive animal production activities (such as feedlots, dairies, pig and poultry farms) would be restricted in their capacity and siting due to the proximity of a small rural lifestyle property. Therefore, the ability for the balance lot to be used more intensively would be unlikely to be achieved by virtue of the proposed lifestyle lot. Therefore, it is considered that the agricultural reasoning provided as part of the application is not achievable and inconsistent with the policy objectives of the Wangaratta Planning Scheme.

Further to the above, it is important to consider that the subject site (PC363779) has already been involved in the creation of rural lifestyle property previously. PC363779 was consolidated to justify the use and development of the land for a dwelling on neighbouring land. Therefore, the landowner has already “had a bite of the pie” and would be exploiting the re-subdivision pathway to obtain another rural lifestyle property (noting that the dwelling approved previously has been sold). Current planning policies for the protection of agricultural land seek to consolidate small inappropriate lots in the rural zones, therefore, it would be counterproductive to create a new inappropriate lot that would require consolidating in the future.

The application outlined that the balance of the subject site is already being leased out for grazing, whilst the dwelling is occupied by the landowner. No information has been provided to counter the argument that this can't continue and isn't a sustainable solution. It is common understanding that leasing paddocks for grazing is fairly popular and occurs across the state. Further, this point ignores the issue of long-term planning, whereby whilst the landowner may not wish to continue farming the land but wishes to remain in the dwelling, what will happen once the dwelling is no longer occupied? The excised lot would become a rural lifestyle asset not attached to a farming enterprise and would likely attribute to the inflation of land values which would impact on the feasibility of genuine farming land to either obtain more land or to retain larger holdings. This is in direct conflict of state policies for the protection of agricultural land, with personal circumstances being immaterial in considering any planning application.

The proposal is fundamentally at odds with state and local policy objectives and strategies, particularly as it is premised on personal and financial circumstances and not sound farming or land use planning outcomes. The proposal would

result in a fragmented parcel of land that would contribute to a concentration of dwellings and the issue of unplanned settlements in rural areas. Proposed Lot 1 is not of a sufficient size to accommodate or support any meaningful agriculture, despite the application outlining that it could be used for hobby activities. Proposed Lot 1 would become a rural lifestyle lot that is incompatible with agriculture and associated farming activities undertaken, or may be undertaken in the future, on surrounding land. This land use conflict has significant potential to limit or prevent agricultural activities and uses occurring (or expanding) on surrounding land.

Local policies in the Planning Scheme provide succinct and unambiguous guidance around these issues, particularly with the policy seeking to protect the primary use of rural land for agricultural purposes and directing rural lifestyle development to existing Rural Living and Low Density Residential Zones. The Planning Scheme facilitates suitable zones for rural lifestyle activities, of which the Farming Zone is not.

Further to the above concerns regarding proposed Lot 1, the proposal would also create an 'as of right' dwelling entitlement for proposed Lot 2 as it would have a land area greater than 40ha. The purpose of the minimum subdivision and use of the land for dwellings being 40ha seeks to ensure that the Farming Zone has a maximum dwelling density of 1:40ha. As such, the proposal is considered to result in a proliferation of dwellings which conflicts with state and local planning policy and the purpose of the Farming Zone.

Ultimately, the proposal cannot demonstrate how it achieves the objectives of relevant agricultural policy or the purpose and decision guidelines of the Farming Zone.

### **Conclusion**

The proposal is not considered to represent an orderly planning outcome, particularly as the proposal would result in the fragmentation of agricultural land and result in a proliferation of dwellings in an area not designated for rural lifestyle purposes. The proposal has failed to provide sufficient agricultural justification and should not be supported.

### **Recommendation:**

That Council issue a Notice of Refusal for 2-lot re-subdivision at 64 Grahams Lane Hansonville, on the below grounds.

### **Communication**

That the applicant be advised of Council's decision.

### **Grounds of Refusal**

1. The application does not represent an orderly planning decision and fails to consider the existing and future use of nearby land pursuant to Clause 65.02 of the Wangaratta Planning Scheme.

2. The proposal is inconsistent with the policy objectives and strategies of Clause 02.03-4, Clause 14.01-1S and Clause 14.01-1L of the Wangaratta Planning Scheme for the protection of agricultural land and preventing the fragmentation of farming land.
3. The proposal is contrary to the purpose and decision guidelines of Clause 35.07 (Farming Zone) of the Wangaratta Planning Scheme, as the proposal would result in the permanent loss of productive agricultural land and result in a proliferation of dwellings.
4. The proposal is contrary to the policy strategies of Clause 16.01-1L (Housing supply) which seeks to avoid residential development in areas of environmental significance, landscape significance and agricultural value.



# **Town Planning Report**

**Two Lot Re-Subdivision of land  
in the Farming Zone**

**64 Grahams Lane Hansonville  
Lot 1TP588973 & PC363779 Parish of Greta**



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    4.2 Policy Provisions .....18

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## 1.0 Introduction

This report is prepared in support of a planning permit application seeking approval for the re-subdivision of land at 64 Grahams Lane Hansonville. The proposed subdivision will re-subdivide two existing parcels of land to create a new small house lot of 2.0 hectares and a large balance farming lot of 61.5 hectares.

This report addresses how the proposal meets the following provisions of the Wangaratta Planning Scheme:

- Purposes and provisions of the Farming Zone;
- State, regional and local planning policy relating to the subdivision and protection of agricultural land; and
- Clause 65 *Decision Guidelines*.

The proposed re-subdivision of lots will provide opportunity for the existing owner (whose family has owned and farmed the property for over 140 years) to retire on a small lot within his local community whilst creating a large balance lot for ongoing agricultural activity. The moderate to very high agricultural diversity of the land will support a wide range of agricultural uses on a variety of lot sizes. The creation of a large farming lot capable of accommodating a new dwelling will help retain population in an area already serviced with community facilities (such as the Greta Valley primary school, Greta CFA brigade and Greta Football & Netball Club) and good road infrastructure. The site has minimal environmental constraints such as flooding or risk of bushfire.

The proposal is consistent with and promotes the purposes of the Farming Zone and relevant planning policy on the protection of agricultural land. The Farming Zone allows for the re-subdivision of these lots. The outcome of this proposal is the creation of a large agricultural lot of over 60 hectares that provides an opportunity for existing or new farmers to buy in the area, whilst supporting a long-term resident of the Greta area to retire in place in the family home.

It is important to understand that the house lot excision provision (which this re-subdivision of lots will emulate) was first created by State government over twenty years ago in recognition that farmers should be given the opportunity to stay in their family home on a small lot at retirement. This enables the balance of a farm business to be sold and further improved and developed by new owners, thus facilitating inter-generational renewal in rural areas.

In summary, this proposed re-subdivision of lots should be supported because:

- The creation of a small dwelling lot allows a local farmer to retire in the family home and be supported by his local community in the short term whilst providing long term options for rural workers and their families to locate on a small lot in an area close to agricultural employment.
- The creation of a large balance lot will provide opportunity and incentive for a new landowner to make improvements to pasture, fencing and other farming infrastructure and consider more sustainable management practices to advance agriculture in this area. Ongoing leasing of the land to tenants will stifle investment in the property.



## 2.0 The Proposal

This application seeks permission for a two-lot re-subdivision of land zoned Farming Zone (FZ) under the Wangaratta Planning Scheme (the Scheme). The site is not affected by any planning overlays but is partially affected by an area of cultural heritage sensitivity due to its proximity to the Fifteen Mile Creek.

The purpose of the re-subdivision is to create a new small lot of approximately 2.0 hectares (Lot 1) for the existing farm dwelling, and a consolidated farming lot of over 60 hectares for ongoing agricultural activity (Lot 2). Refer below at Figure 1 and to **Appendix 1** for a full copy of the proposed subdivision plan.

The re-subdivision of two existing lots (which in this case acts like a small house lot excision), is required to enable the current owner of the land to retire in place in his family home, without the pressure of continuing to farm the entire property and without affecting the ongoing operation of the surrounding farm. The farm has been in the ownership of the Tanner family for over 140 years and there is a strong attachment to the house, the property and the broader Greta/Hansonville locality. The proposed re-subdivision forms a pivotal step in re-arranging farming operations to accommodate changing family needs into the future.

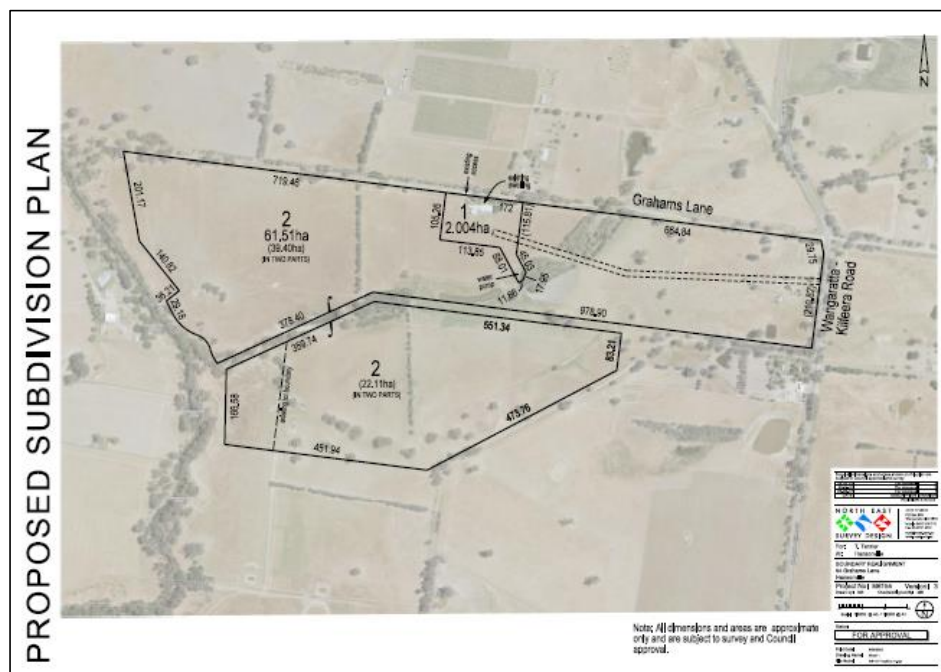


Fig. 1 – Concept Development Plan

The house lot has been dimensioned to allow for the inclusion of the existing farmhouse along with associated domestic infrastructure, including the wastewater disposal system. Most significantly, there is a water pump with pipes and power that provides a domestic water supply to the house from a spring located to the south of the house. The approximate



location of the water pump is shown on the plan. A series of lagoons sweep around the house from the northeast and traverse the property before flowing into the Fifteen Mile Creek that forms the western boundary of the property. These lagoons provide a reliable source of domestic water and the desire is to retain access to this important resource for the existing dwelling. If inclusion of this water supply within proposed Lot 1 presented an insurmountable barrier to the re-subdivision, then water tanks could be installed to provide an adequate water supply for the house.

The new lot for the existing house is designed to maximise the setbacks from the house to surrounding farming operations. The proposed setback to the west is approximately 70 metres; the setback to the east is approximately 76 metres; and the setback to the south is approximately 80 metres. These distances provide substantial buffers to prevent impacts on the dwelling from noise, odour and dust that may be generated by surrounding farming activities.

At the same time, the lot location is designed to minimise the amount of land considered lost to agriculture (no more than 2 hectares being preferred), whilst also capturing the domestic infrastructure required to support the ongoing operation of the dwelling.

### 3.0 Site and surrounds

The subject site is located at 64 Grahams Lane Hansonville and consists of two parcels, as detailed in Table 1 below:

Lot	Parcel details	Area
1	Lot 1 on Plan of Consolidation 363779	44.31 ha (in two parcels separated by Tanner Lane road reserve)
2	CA 1 Section 35 Parish of Greta	19 ha (approx.)

Table 1- Existing property details

Refer to full title details at **Appendix 2**. The title plan shows a 13 metre wide electricity easement for overhead power lines traversing the site from Wangaratta-Kilfeera Road to the existing house. There are no proposed changes to this easement location.

The original farmhouse on the property was located further to the east, close to the Wangaratta-Kilfeera Road, in proximity to the power easement shown on the title. The original house was demolished over 30 years ago, although the connection to power remains to an old dairy in this location. A new brick house was built by the current landowner and his wife on higher ground in the 1990s, where it remains to this day. Refer to photographs of the dwelling and farming property at **Appendix 3**.

Access to the current larger farming lot (Lot 1 on PC363779) that contains the existing dwelling is via Grahams Lane, a gravel road with direct access from the Wangaratta-Kilfeera Road to the east. Grahams Lane provides access to both the Tanner house and a second dwelling in different ownership on the northern side of the road. Grahams Lane terminates approximately 850 metres further to the west where the road reserve intersects with the Fifteen Mile Creek.



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Crown Allotment 1 has vehicle access via Tanner Lane, a gravel track that runs from Wangaratta-Kilfeera Road along the south-eastern boundary of the property. Tanner Lane is used for the movement of stock with cattle yards located where Tanner Lane terminates. The re-subdivision of the existing lots will create new access to Lot 2 from both Grahams Lane and the Wangaratta-Kilfeera Road, whilst maintaining access along the Tanner Lane frontage as well.

Lot 1 on PC363779 is approximately 44 hectares in size and contains the existing farm dwelling which is to be retained by the current owner. The dwelling is surrounded by mature trees and gardens, shedding and associated domestic infrastructure. As detailed in Section 2.0 of this report, the water supply for the dwelling is conveyed from a spring located to the south-east of the house and conveyed via pipes and a pump. The boundaries of proposed Lot 1 have been located to include this water supply infrastructure creating an irregular shaped parcel. Proposed Lot 1 will also contain the existing septic system, shedding and gardens. The balance of the current lot contains fenced paddocks and dams to support stock grazing, and some scattered sheds in the paddock closest to the main Wangaratta-Kilfeera Road.



Fig. 2– Site plan (partial) showing existing dwelling (Source: RCOW online mapping)

CA 1 Section 35 is approximately 19 hectares in area and contains fenced paddocks, dams and new cattle yards. The entire site (both parcels) is largely cleared of native vegetation but does contain scattered paddock trees as well as a planted vegetated corridor that follows the sweep of the lagoons across the site from Grahams Lane to the Fifteen Mile Creek. This





corridor contains River Red Gums that were planted by the current owner over 15 years ago and now provide a mature shelter belt and wildlife corridor through the property.

The land is currently used for stock grazing and can support approximately 110-130 head of beef cattle, depending upon conditions and seasonal variation. The site is developed with a number of farm dams and fenced paddocks to support stock grazing, with cattle yards located on the southern boundary to manage the movement of stock to and from market. Refer to Figure 3 below for overall site details.

The subject site sits within the locality of Hansonville/Greta South (refer to Figure 4 below). The land is surrounded by land zoned for farming activities. There are a number of dwellings and farming enterprises in close proximity to the site. There are a range of lot sizes throughout the area, developed for a variety of uses including grazing, cropping, horse breeding, dairy farming and rural living purposes.



Fig. 3– Site Plan showing the subject land and surrounds (Source: RCOW online mapping)

The locality of Greta South/Hansonville supports the local Greta Valley Primary School, some 4.3 kilometres by road from the existing dwelling. The Greta Recreation Reserve is approximately 3.5 kilometres to the northwest of the site and is home to the Greta Football Netball Club. Given the high agricultural diversity of the land, the area supports a number of smaller farming enterprises, each of which, in turn, supports these community facilities. There are at least 10 dwellings within a 1.5-2 kilometre radius of the subject site. This relatively high density of lots and dwellings indicates the ability of the land in a broad context to support smaller farming lots in harmony with the environment and more traditional larger-scale farming businesses.

The locality of Greta itself is approximately 7.2 kilometres to the north of the site via the Wangaratta-Kilfeera Road. Greta is home to the Greta Cemetery, Uniting Church and the



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local fire brigade. These facilities require local volunteers and population to support their ongoing functions.

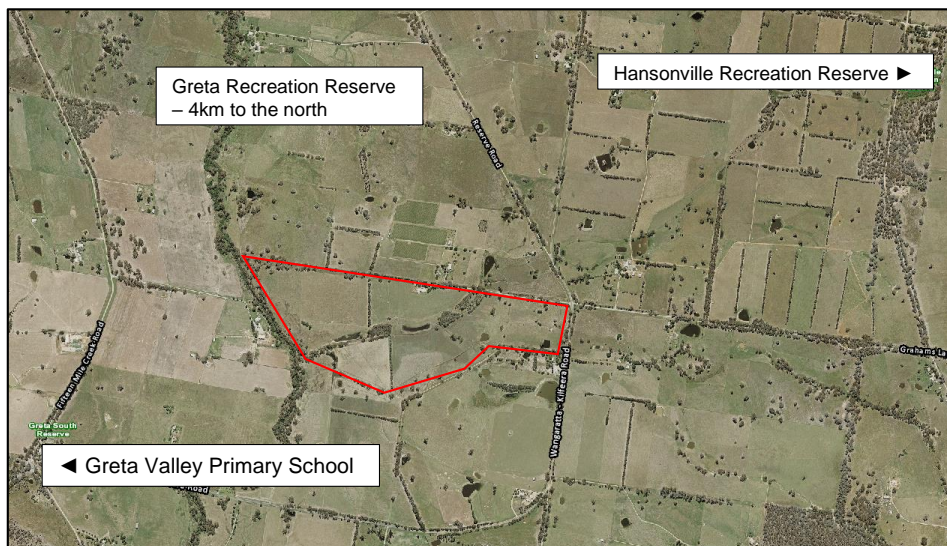


Fig. 4– Site Plan showing the Hansonville locality (Source: RCOW online mapping)

The existing property is serviced with power and telecommunications. There is no reticulated sewer or water to the existing dwelling. All wastewater generated by the dwelling is currently treated and retained within the boundaries of proposed Lot 1.

The site is partially affected by an area of cultural heritage sensitivity where it is located within 200 metres of the Fifteen Mile Creek. Refer to Figure 5 below for details. The proposed re-subdivision of two lots does not constitute a high impact activity. A Cultural Heritage Management Plan, therefore, is not required.

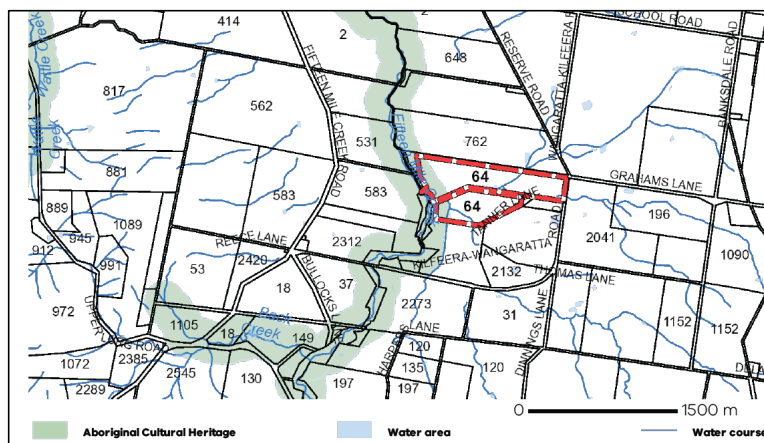


Fig. 5– Extent of cultural heritage sensitivity affecting property (Source: DELWP Planning Property Report)



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## 4.0 Planning Assessment

The application is assessed against the following provisions of the Wangaratta Planning Scheme:

Section	Clause	Provision
Zones		
	35.07	Farming Zone
Municipal Planning Strategy		
	02.03-4	Strategic directions - Agriculture
Planning Policy Framework		
	11.01-1R	Settlement - Hume
	14.01-1S	Protection of agricultural land
	14.01-1L	Dwellings and subdivisions in rural areas
	14.01-2S	Sustainable agricultural land use
	17.01-1R	Diversified economy - Hume
General Provisions		
	65	Decision guidelines

### 4.1 Zone Provisions

#### Clause 35.07 Farming Zone

The subject site is located within the Farming Zone (FZ) of the Wangaratta Planning Scheme (refer to Figure 6 below).

Pursuant to Clause 35.07-3, a planning permit is required to subdivide land. Each lot must be at least 40 hectares in size. A permit may be granted to create smaller lots if the subdivision is a re-subdivision of existing lots and the number of lots is not increased. The proposed subdivision meets these criteria as it is the re-subdivision of two existing lots to create two new lots.

Relevant purposes of the FZ include:

- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*



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- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The primary purpose of the re-subdivision is to create a manageable lot around the existing farmhouse so that the current owner of the property can retire in place without the stress of managing a large farming enterprise. The owner, Mr Terry Tanner and his family have farmed in the district for many decades. There is a strong attachment to the land and to the house that Mr Tanner built with his wife and has lived in for many years. The lane that runs along the south-eastern boundary of the subject land is called Tanner Lane, in recognition of the ownership and contribution of the Tanner family to the district over many decades.

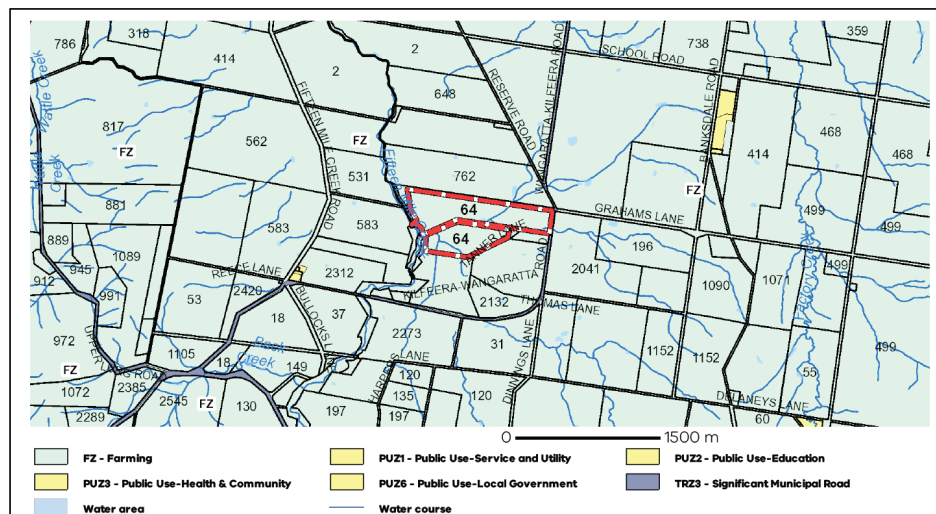


Fig. 6 – Zoning map showing the subject land in the FZ (Source: DELWP Property Report)

Whilst Mr Tanner is getting older, he is still capable of, and wants to farm on a small scale. He currently keeps approximately 20 steers on his property and rents the balance land to surrounding farmers. This small enterprise demonstrates that in an area of high agricultural diversity, a small land holding is still capable of generating on-farm income. More intensive use of the land in the future could increase the farm income substantially, ensuring that even the small house lot is not lost to agriculture.

It is noted that a farmer wishing to downsize can always lease out land to neighbours or other parties who may wish to run stock or plant crops. Long term leasing of farming land, however, is not ideal as it prevents vital investment in the maintenance and improvement of farming infrastructure such as new fencing and water supply, pasture improvement and long-term sustainable management practices.

The purposes of the Farming Zone clearly encourage the use, retention and protection of productive agricultural land and the prevention of development that would undermine these purposes. The FZ is also applied to help retain population and employment in rural communities. The proposed re-subdivision of two parcels of land from 44ha and 19ha to 61.5ha and 2.0ha respectively, is consistent with these stated FZ purposes in the following ways:



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- Both new lots will continue to be available for agricultural use. The new 61.5 hectare lot (Lot 2) is of a size to allow the use and development of a dwelling to support more intensive agricultural activities, such as animal breeding or horticultural pursuits that might require a 24 hour presence on the site. The high and very high agricultural diversity rating means that a wide range of agricultural uses could be supported on this land. Whilst a new dwelling could be built, it is just as likely that an adjacent farming business may want to purchase the new lot to expand its current operations, without the need for a new dwelling.
- Whilst it is common practice to consider land within a small house lot to be 'lost to agriculture' the reality is a lot of 2.0 ha will require some kind of agricultural activity in order to manage the land. In fact, 2.0 hectares is often the minimum lot size prescribed for a Rural Living Zone. This suggests that the smaller house lot will be capable of supporting animal breeding or animal keeping or a small horticultural enterprise. State planning policy encourages innovation in the rural sector, and a small lot allows a way into farming for new and/or young farmers with innovative ideas.
- The re-subdivision does not promote non-agricultural uses on the land. The small lot will contain an existing dwelling and will be lived in by an active farmer in the short term. In the longer term, the lot presents an opportunity for new owners to buy into the Greta locality and undertake small farming activities on the 2.0 hectares. The importance of a dwelling on a small lot in this location cannot be underestimated. As farms are encouraged to increase in size, the need for additional farm workers also increases. Finding accommodation in rural areas close to places of work is difficult and in this current housing crisis, the value to the Greta locality of this dwelling on a small lot should not be underestimated.
- The re-subdivision will allow the long-time owner of the land to retire in place until such time as independent living is no longer an option. The creation of a small house lot along with a larger lot capable of accommodating a new dwelling will help retain and support population in the Greta area. There is a primary school 4 km down the road from the property and the Greta Recreation Reserve is 3.5 km to the north. These community facilities rely on local population retention and growth to function and be financially viable.
- The current agricultural use of the land is traditional stock grazing. The land can support approximately 110-130 head of cattle for beef production, depending upon the season and conditions. The farming infrastructure required is relatively basic, with cattle yards for the containment of animals for medical treatment and transportation, and paddocks and dams for extensive grazing with some supplementary feeding. A Whole Farm Plan has not been prepared to support this application, as the primary reason for the subdivision is to support the current owner to transition slowly out of farming. It is clear, however, that the balance lot could be purchased and developed for any number of agricultural uses, thereby ensuring the purposes of the Farming Zone are protected and promoted through this re-subdivision of land.

#### *Small house lot excision provision*

The default minimum lot size in the FZ is 40 hectares. Clause 35.07-3 of the FZ details the criteria under which smaller lots can be considered and approved by a responsible authority. It has already been explained in this report how the proposal meets the criteria by being a re-subdivision of two existing lots to create two new lots. Equally, the outcome of this proposal can be considered like a de facto small house lot excision. In considering whether or not to support this proposal, it is important to understand the original purpose behind the



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small house lot excision, which allows a landowner to create a small lot to excise an existing house from a surrounding farming property.

The small house lot excision has been a provision of the Farming Zone, and its predecessor, the Rural Zone since the inception of the current Victoria Planning Provisions (created and implemented from 1996 onwards). The purpose behind the small house lot excision was to allow a farming family to break off their family home from the broader farming enterprise in order to retire in place. The ability to stay in the family home on a small and manageable lot, rather than having to sell up everything and move into an urban area, was seen as a valuable option for farmers. It was clearly understood by government at the time that forcing retiring farmers off their land and away from their communities which provide them with friendship, support and a sense of belonging is not fair and reasonable. The price of a life on the land should not be ostracism from your local community at retirement when you require it most.

So important was the concept of the small house lot excision that when the suite of Rural Zones were changed to a new suite of Farming Zones in 2004 by the State government, the right to apply for a small house lot excision was retained within the provisions of the new Farming Zone and Rural Activity Zone. It should be noted that the small house lot provisions have been in place through current and previous zones for almost thirty years and many families and landowners have been the beneficiary of the provision. The long term viability of farming land in the municipality of Wangaratta has not been undermined by the existence, and occasional implementation, of the small house lot excision provision

In addition to supporting the purposes of the Farming Zone, the application is assessed below as being consistent with relevant decision guidelines at Clause 37.07-6, as follows:

Decision Guideline	Application Response
<b>General Issues</b>	
The Municipal Planning Strategy and the Planning Policy Framework.	The application is assessed against relevant provisions of the Wangaratta Planning Scheme within the body of this planning report.
Any Regional Catchment Strategy and associated plan applying to the land.	There is no known Regional Catchment Strategy that applies to the subject land.
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	Proposed Lot 1 will contain the existing dwelling. The lot is large enough to include the existing wastewater disposal system and the pump and pipes that convey the domestic water supply from the adjacent spring.  Proposed Lot 2 is over 60 hectares in size and will continue to be used for farming activities.
How the use or development relates to sustainable land management.	The proposed re-subdivision will not change the current sustainable management of the subject land. The re-subdivision may well increase sustainable land practices in the longer term by consolidating two lots into one large lot.  The re-subdivision of the land is to create a small lot for the existing dwelling. This does not alter the long-term use of the surrounding land for farming purposes. The act of consolidating two medium sized lots into a lot over 60 hectares will allow a co-ordinated approach to the



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Decision Guideline	Application Response
	management of the land into the future. At present, with the land in two parcels, either parcel could be sold to a different owner which could result in fragmentation of land.
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	<p>The site currently supports two parcels of farming land and a dwelling with domestic infrastructure, sheds and gardens.</p> <p>The proposed re-subdivision of the lots will not alter the way the land is currently used or developed.</p> <p>The re-subdivision is compatible with surrounding land uses as they are also a mix of farming and rural living activities.</p>
How the use and development makes use of existing infrastructure and services.	<p>The new house lot (Lot 1) will continue to use the existing power and telecommunications connections as well as the wastewater system and domestic water supply. The current vehicle access points to Grahams Lane will continue to be used.</p> <p>There will be no change to the existing use or development of land in Lot 2 as a result of this re-subdivision. Any future development of the land for a dwelling will require appropriate connection to services such as power and telecommunications. Lot 2 will have multiple road frontages so access can be gained from Tanner Lane (for the cattle yards) or Grahams Lane or the Wangaratta-Kilfeera Road. It is noted that the original dairy and dwelling were located on this lot, and both the old dairy and power connection remain.</p>
<b>Agricultural issues and the impacts from non-agricultural uses</b>	
Whether the use or development will support and enhance agricultural production.	<p>The re-subdivision will not detract from the ongoing agricultural production of the subject land, but rather enhance it. The size of the small lot will be 3.43ha and will be capable of being actively farmed by the current owner who wants to downsize his farming responsibility.</p> <p>The balance lot will continue to be used for cattle grazing in the short term and be over 60ha in size. The consolidation of the two existing lots of 44ha and 19 ha into a house lot and a large farming lot will enable more options for future development of the land.</p>
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	<p>The proposal will not adversely affect soil quality. There may be minor earthworks associated with the construction of a new vehicle accessway to Lot 2, if this is required by Council.</p> <p>The creation of a small house lot in the FZ is considered by planning policy to permanently remove land from agricultural production. To this end, the less land to be removed from production, the better. Proposed Lot 1 has been designed to ensure there is adequate space for the</p>



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Decision Guideline	Application Response
	<p>dwelling and associated infrastructure such as the effluent disposal field and water supply.</p> <p>The loss of agricultural land needs to be balanced against the need for adequate setbacks between the dwelling and the new lot boundaries. These setbacks are required to minimise potential future conflict between a residential use and adjacent farming activities. The size of the small lot is a balance between achieving these setbacks and including all the required domestic infrastructure but also leaving enough land for some small farming enterprise such as animal breeding, animal keeping or horticulture. The proposed re-subdivision of lots achieves the right balance in this case.</p>
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	Generous buffers are provided around the existing dwelling to reduce the potential for conflict with surrounding agricultural uses. Any further setbacks would encroach on agricultural land.
The capacity of the site to sustain the agricultural use.	Currently the subject land is used for grazing, as it has been for many years. This activity may continue on the new balance Lot 2 or there is potential for diversification into a range of other agricultural activities, given the identified high agricultural diversity of the land. Any new use will be based on the conditions, seasonal and environmental constraints of the land.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	The site has access to water and is developed with rural infrastructure such as internal roads, dams, fencing, yards and sheds. The site has sustained stock grazing for generations, and although heavily cleared of native vegetation, has remained relatively stable over this time. The site is part of a highly regarded livestock district that is recognised for its heavy carrying capacity. The proposed re-subdivision will take advantage of these existing agricultural qualities, without adversely impacting upon them.
Any integrated land management plan prepared for the site.	No integrated land management plan has been developed for the site. As mentioned above, the farm has been used for stock grazing for many generations. The farm has a reliable source of water with access to natural springs as well as the Fifteen Mile Creek. Although heavily cleared of native vegetation over time, there have been efforts by the Tanner family to replant River Red Gum shelter belts across the property to create a wildlife corridor and shelter for stock and native animals.
<p>Whether Rural worker accommodation is necessary having regard to:</p> <ul style="list-style-type: none"> <li>The nature and scale of the agricultural use</li> <li>The accessibility to residential areas and</li> </ul>	Not relevant to this application, although it is noted that the existing dwelling may be used in the future for Rural worker accommodation, meaning that someone does not have to own farming land to work in agriculture. It should not be assumed that any future owner or occupier of the small house lot will work in an urban area. The dwelling could provide a valuable accommodation resource for a rural working family in the Greta area.



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Decision Guideline	Application Response
existing accommodation, and the remoteness of the location	
The duration of the use of the land for Rural worker accommodation.	Not relevant to this application.
<b>Accommodation issues</b>	
Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	<p>This proposal is for re-subdivision of lots and does not include use and development for a new dwelling.</p> <p>The re-subdivision of lots will create a new lot over 40 hectares in area. This does allow for the use and construction of a dwelling without the need for a planning permit (providing there are no other permit triggers). The balance lot is over 60 hectares in area. Any new dwelling will need to have road access and a power supply close by. A new dwelling will remove a small portion of land from direct agricultural use but will also support farming activities by enabling a family to live on the property to manage their agricultural business.</p> <p>It is noted that the re-subdivision will not automatically result in a new dwelling on this lot. There is a high likelihood that an adjacent farming enterprise will purchase the lot in order to expand its operation, with no need for an additional dwelling. Acquiring land to expand existing farming operations is very common practice in rural areas.</p>
Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.	<p>It is unlikely that the existing dwelling will be substantially impacted by ongoing rural activities. The surrounding rural activity is predominantly grazing, with limited generation of noise, dust, noise and the like. Impacts on residential amenity may result from the movement of stock trucks, the use of stock yards and movement of stock between paddocks. There may be seasonal variation with the cutting of hay, or the sowing or harvesting of crops but these activities tend to be short-lived, rather than daily activities.</p> <p>It is impossible to know how the surrounding land will be used in the future and whether, in fact, it will continue to be farmed in a traditional sense. It could become home to new renewable energy facilities or protected in perpetuity for native vegetation offsets. Historically, however, land use has been predominantly grazing with some cropping in this area and no significant change is expected in the near future.</p> <p>Buffers to the boundaries of the new lot have been maximised to protect both the dwelling and the surrounding farming land from impacts by each other. Proposed in-built buffers to new boundaries from the existing dwelling vary between 70-80 metres in width.</p>
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	Surrounding agricultural land use is predominantly stock grazing. The relocation of lot boundaries to create a small house lot will also create a consolidated lot of over 60



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Decision Guideline	Application Response
	hectares in area, ensuring the land is protected and maintained for agricultural use in the form of a larger lot.
The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.	<p>The Greta South/Hansonville locality supports a reasonable density of dwellings as the land is high quality agricultural land capable of supporting smaller, more intensive farming enterprises. The number of dwellings in the area has remained relatively stable over the years, with the local population supporting, and being supported by the primary school, sporting clubs and fire brigade.</p> <p>The re-subdivision creates the potential for a new dwelling to be built on balance Lot 2. If this does occur, this will not cause an unacceptable proliferation of dwellings in the area. Apart from one dwelling across the road from the existing Tanner residence, there are no other dwellings within 800m. Across the locality, dwellings are scattered roughly at 800-1000m intervals, showing that dwellings and farming activities can co-exist in harmony.</p> <p>As noted above, the large balance lot will allow adjoining landowners the opportunity to expand existing agricultural enterprises, so may not ever attract a new home.</p>
<b>Environmental Issues</b>	
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	The re-subdivision of lots will have minimal impact on the existing soil and water quality of the subject land. The re-subdivision may result in some minor works to provide for a new or upgraded vehicle access to each lot and new power and telecommunication services for Lot 2.
The impact of the use or development on the flora and fauna on the site and its surrounds.	The impact of the re-subdivision on flora and fauna will be negligible. New lot boundaries will not impact on existing native vegetation. Part of the new internal lot boundary will be adjacent to the Red Gum plantation but will be set back adequately so as not to impact on tree protection zones.
The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	The creation of a small house lot and larger balance lot will enable a more holistic approach to any revegetation works along boundaries and gullies. It is intended that the series of lagoons and springs, along with the replanted River Red Gums will all be contained wholly within Lot 2 – ensuring an integrated approach to the long-term management of these environmental features.
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	The existing effluent disposal system has been identified close to the dwelling and will not be impacted by the re-subdivision of the lots. This existing system is well over 100 metres from the nearest waterway being the Fifteen Mile Creek on the western boundary of the site.
<b>Design and siting issues</b>	
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and	All domestic infrastructure associated with the existing dwelling will be contained wholly within the small house lot



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to minimise the loss of productive agricultural land.	and well away from agricultural infrastructure already present on the land.
The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.	N/A
The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.	N/A
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	As described above, there is access to power and direct frontage to the local road network for each lot. The water supply and effluent disposal system for the existing dwelling will be contained wholly within the house lot boundaries.  There are no reticulated gas, water or sewer mains in the area and stormwater drainage will be contained within the boundaries of each new lot as required by Council.
Whether the use and development will require traffic management measures.	There will be no requirement for traffic management measures. There is existing access to Lot 1 from Grahams Lane. There are multiple accessways to Lot 2 from Grahams Lane, Tanner Lane and the Wangaratta-Kilfeera Road. If a new vehicle accessway is required for Lot 2, a suitable location will need to be identified, designed and constructed to Council's satisfaction.

The re-subdivision of existing lots meets the purposes and provisions of the Farming Zone by:

- Supporting inter-generational farm planning by allowing an aging farmer to retire in place whilst providing opportunity for new or existing farmers to purchase land in a highly desirable farming area;
- Supporting the retention of population within the local Greta South/Hansonville locality;
- Ensuring impacts on surrounding agricultural activities are minimised through careful location of new lot boundaries; and
- Creating a large farming lot capable of supporting a new dwelling if required and providing for new farming enterprise and ownership.





## 4.2 Policy Provisions

An application for subdivision must consider the Municipal Planning Strategy, the Planning Policy Framework and any relevant local planning policies.

### Municipal Planning Strategy (MPS)

#### Clause 02.03-4 Strategic Directions – Agriculture

The MPS identifies the agricultural sector as a 'significant economic industry and social resource' within the Wangaratta municipality. The subdivision of agricultural land and location of dwellings (and other 'non-farming' developments) can undermine the ability of farmers to farm their land without negative amenity impacts to other land users.

Strategic directions that articulate the desire to protect agricultural land from inappropriate use and development include:

- *Maintaining the productivity and versatility of agricultural land, particularly in higher agricultural 'versatility' areas.*
- *Protecting the primacy of rural land for agricultural purposes.*
- *Minimising potential amenity impacts between agricultural uses and rural lifestyle uses.*
- *Ensuring that dwellings and subdivision meet the principle of 'right to farm' in rural areas, where existing agricultural and rural uses in the area have a right to legally continue.*
- *Ensuring that dwellings and subdivision do not adversely impact on the agricultural activities carried out on the land and the general area.*
- *Directing rural lifestyle development to existing Rural Living and Low Density Residential Zones.*

### Application response

The proposed re-subdivision of two rural lots into two new lots will support a farmer to retire in place and retain some ownership of the family farm, whilst consolidating high quality agricultural land into a large lot over 60 hectares in area. The smaller house lot is designed to include all required domestic infrastructure and ensure generous buffers to adjacent Lot 2, thereby minimising possible impacts from farming on the dwelling and vice versa. The creation of the balance lot frees up productive agricultural land to be purchased by others for ongoing farming and investment.

Stock grazing and dairy farming are traditional agricultural uses in this area – the immediate impacts of this type of farming are minimal with regards to noise, odour, dust generation etc. The impacts of this re-subdivision on the 'right to farm' of surrounding landholdings is considered negligible, whilst the benefits to the productivity of the subject site, and the surrounding community are measurable. The proposal is consistent with the Council's strategic direction for agricultural land.

### Planning Policy Framework (PPF)

#### Clause 11.01-1R Settlement – Hume

The PPF has as a strategy for Regional Victoria to:





- *Support growth and development of other existing settlements and foster the sustainability of small rural settlements.*

**Application response**

The proposed re-subdivision will help support the ongoing agricultural activities within the Hansonville locality, an area identified as having high quality terrestrial habitat within the Hume Regional Growth Plan. The proposal allows for inter-generational change by allowing an aging farmer to retire onto a small lot, whilst freeing up a large farming parcel to be bought and actively farmed – either through consolidation into an adjacent farming business or purchase by new owners to the area. Any resultant increase in population in this area will help support the ongoing operation of community infrastructure such as the nearby CFA station, Greta Valley Primary School, Landcare group and sporting clubs.

New population and young families are vital to the ongoing operation and support of existing community facilities and services in this area and should not be seen as a disadvantage of this proposal.

**Clause 14.01S Protection of agricultural land**

The PPF has as its key objective for agriculture:

- *To protect the state's agricultural base by preserving productive farmland.*

A number of strategies support this objective, with a focus on retaining land for agricultural purposes and minimising uses that may cause conflict with existing and potential agricultural uses.

**Application response**

The proposal to re-subdivide land at 64 Grahams Lane is consistent with the objective and strategies contained at Clause 14.01. The re-subdivision of land will reconfigure two existing farming lots of 19 hectares and 44 hectares to create a balance lot of over 60 hectares for ongoing agricultural production and a small house lot of 2.0ha for the existing dwelling and associated domestic infrastructure.

The overall outcome in this location will be a small rural living sized lot that contains an existing dwelling with two hectares of land that will still require some active farming. This may be animal breeding or keeping, or some small horticultural enterprise that can take advantage of the high-quality farming land. Just because the land is contained in a small lot does not mean it cannot or will not continue to be actively farmed. The existing owner intends to retain steers on the property to fatten for market. The head of stock that can be run will ultimately depend upon the quality of the feed and time of the year, but typically 110-130 head of cattle can be supported.

The balance lot of 61.5 hectares will create an exciting opportunity for new or existing farmers to buy into this area. The size of the lot (over 40 hectares) means a dwelling may be built without the need for a planning permit. The size of the lot also means that a reasonable on-farm income can be generated and the initial outlay is within reach of young farmers wanting to get a foot-hold in the area.



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**Clause 14.01-1L Dwellings and subdivisions in rural areas**

This local policy details general and specific subdivision strategies to promote the protection of agricultural land within the municipality. Of particular relevance are the following subdivision strategies:

- *Discourage house lot excisions in 'high' or 'very high' agricultural versatility areas and ensure that any excision of land in all other rural areas are linked to and required for the ongoing rural and agricultural use of the land.*
- *Discourage house lot excisions if the existing dwelling on the lot to be excised is required to maintain the ongoing agricultural production and rural use of the land.*
- *Minimise the parcel size around an existing house that is to be excised and maintain a large vacant balance of land for agricultural purposes.*

**Application response**

Strictly speaking, this proposal is not a small house lot excision. It is the re-subdivision of two existing farming parcels, each of which can be independently disposed of now. Either way, it is important to remember that the original purpose of allowing small house lot excisions was to enable farming families to plan for inter-generational change and support farmers to age in place by excising their family homes from the balance of the farm.

Keeping in mind this is a re-subdivision of two existing lots, and the creation of small house lots is to support retiring farmers, the proposal is not incompatible with the objectives and strategies of this local planning policy. The primary reason for undertaking this re-subdivision is to allow a retiring farmer to sell the majority of his farm in order for it to continue to be actively farmed by others. Keeping high quality agricultural land in productive farming is a key strategy of State and local planning policy. At present the majority of the land is leased to other farmers as the owner is no longer able to farm it all himself. However, under a leasing arrangement there is limited incentive for investment in improvements to fencing, pasture and sustainable management. The re-subdivision and new ownership of the land provides for a vested interest in maintaining and improving the land for greater environmental, economic and agricultural benefit.

The agricultural legacy from this re-subdivision will be the creation of a small rural living lot with an existing house that will support a long-time resident of the Greta South/Hansonville community to remain in his family home for the next few years. The re-subdivision will also create a new 61.5-hectare lot, capable of supporting a new dwelling and a farming business in the area. Due to the relatively modest size of proposed Lot 2, it is within reach of new farmers wanting to set up their own farm in the area without having to buy a large and expensive farming enterprise. This helps to retain local population and provides opportunity for new and innovative farming practices to be introduced to the area.

**Clause 14.01-2S Sustainable agricultural land use**

The objective of this planning policy is to '*encourage sustainable agricultural land use*'. Strategies focus on ensuring that agricultural activities protect and enhance the long-term sustainability of existing natural resources, whilst promoting innovation and diversification to deal with climate change and the flexibility to respond to market changes.



### Application response

The proposed re-subdivision creates two new lots in an area identified as having moderate, high and very high agricultural versatility (refer to Figure 7 below). The land has excellent access to water, including the Fifteen Mile Creek and natural springs and wetlands. There are shelter belts across the property that act as a wildlife corridor as well as managing the local microclimate through shade and buffers from wind. The re-subdivision of the land ensures the lagoons and shelter belts are all in the one property, allowing for a coordinated approach to the long-term management of the land's natural resources.



Fig. 7 – Agricultural versatility mapping (Source: RCOW online mapping)

### Clause 17.01-1S Diversified economy

The objective of this planning policy is to 'strengthen and diversify the economy'. Strategies include to:

- Support rural economies to grow and diversify.

### Application response

The creation of two new lots in the Farming Zone, both capable of supporting a dwelling, and both containing high quality agricultural land, will help support local population and provide opportunity for innovation in the rural sector.

It is considered that the proposal meets the objectives of the Planning Policy Framework.



### 4.3 General Provisions

#### Clause 65 Decision Guidelines

Before deciding on an application to subdivide land, the responsible authority must consider the following decision guidelines as appropriate:

Approval of an application to subdivide land	Application Response
The suitability of the land for subdivision.	The site is highly suitable for the proposed two lot re-subdivision as it has access to the local road network and services, and is not constrained by topography, native vegetation, flooding or bushfire risk.
The existing use and possible future development of the land and nearby land.	<p>The site is currently used and developed with a dwelling and associated shedding and domestic infrastructure. The broader site is used for grazing and is developed with fencing, dams and stock yards.</p> <p>The site sits within an established farming area where the agricultural land use is unlikely to change in the foreseeable future. Primary farming activities include dairy farming, stock grazing and cropping.</p> <p>Surrounding land use is predominantly agricultural. The proposed subdivision will not impact on the surrounding land uses. The maximum extent of land available has been included in the small lot to provide an in-built buffer to surrounding land uses, whilst balancing the amount of land considered 'lost' to agriculture.</p>
The availability of subdivided land in the locality, and the need for the creation of further lots.	<p>The availability of subdivided land in this location is dependent upon the size of existing land parcels. If there are parcels of sufficient size, further subdivision of land may occur.</p> <p>In this application, the opportunity to create a new small lot is only available through re-subdivision of existing lots, one of which is already considered a small lot under the provisions of the Farming Zone, being 19 hectares in size.</p>
The effect of development on the use or development of other land which has a common means of drainage.	<p>The lots will be drained independently of other lots, to the identified legal point of discharge for each site.</p> <p>This proposal is not expected to have any impact on other land with regards to drainage. Stormwater runoff generated by the existing dwelling is capable of being contained within the new lot boundary.</p>
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	<p>The proposal is very responsive to both the physical characteristics of the land and the existing subdivision pattern. There are a range of lot sizes along Grahams Lane and the Wangaratta-Kilfeera Road more broadly.</p> <p>Typically lots are quite large in scale and support medium-large scale farming activities such as grazing, cropping and</p>



NORTH EAST SURVEY DESIGN

Approval of an application to subdivide land	Application Response
	dairying. The proposed re-subdivision of lots incorporates land into one large 60-hectare lot to support ongoing farming activities. The creation of the small house lot will help support the existing owner to manage his retirement from the family-run farm business.
The density of the proposed development.	The density of lots and development in the area will not be significantly increased by the proposed re-subdivision. The re-subdivision does not result in any additional lots. The creation of a vacant lot over 40 hectares in size may result in construction of one new dwelling in the area. Equally, the lot may be consolidated into an adjacent farming business and not result in any new dwelling being built.
The area and dimensions of each lot in the subdivision	Refer to the Concept Development Plan at <b>Appendix 1</b> for further details.  Lot 1 is proposed to be 2.0 hectares in area with adequate space for the existing dwelling and associated domestic infrastructure. Proposed Lot 2 will be 61.5 hectares in area, being well above the 40-hectare minimum lot size for the Farming Zone.
The layout of roads having regard to their function and relationship to existing roads.	There are no new roads proposed as part of this subdivision.
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	As a rural subdivision, there is no specific provision for the movement of pedestrians. Each lot will have access to the local road network via an appropriately designed and constructed rural crossover.
The provision and location of reserves for public open space and other community facilities.	As a two-lot re-subdivision of lots, there is no requirement for the provision of public open space reserves or community facilities. It has been noted numerous times in this report that the broader Greta locality supports a primary school and sports reserves. There are extensive tracts of Crown land to the south of the subject site.
The staging of the subdivision.	The subdivision is only two lots and will not be staged.
The design and siting of buildings having regard to safety and the risk of spread of fire.	The existing dwelling will have sufficient setbacks from lot boundaries to meet the requirements of the Building Code of Australia with regards the spread of fire. There are no buildings and works proposed as part of the subdivision apart from any servicing of lots and construction of rural crossovers.
The provision of off-street parking.	There is adequate space for the parking of vehicles on each lot.
The provision and location of common property.	No common property is proposed as part of this subdivision.
The functions of any body corporate.	There will be no body corporate.



NORTH EAST SURVEY DESIGN

Approval of an application to subdivide land	Application Response
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas	Proposed Lot 1 is already connected to power via an overhead powerline from the Wangaratta-Kilfeera Road. Lot 2 is also connected to power at the old dairy and former dwelling site. There is no reticulated water, sewer or gas in the vicinity of the site. The lots will be required to contain and dispose of their own wastewater and stormwater to Council standards. Connection to telecommunications will be installed as per authority requirements.
If the land is not seweraged and no provision has been made for the land to be seweraged, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.	The location of the effluent disposal system has been identified behind the existing dwelling. It is well within the boundaries of the new lot, thereby ensuring that the dwelling can continue to retain and treat all wastewater generated on the site.
Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.	There is no remnant native vegetation lost or considered lost as a result of this subdivision. The new internal boundary fence comes close to a planted shelter belt but will not impact the existing planted trees.
The impact the development will have on the current and future development and operation of the transport system.	The re-subdivision will have no impact on the current or future operation of the transport system. Lot 1 will continue to gain access to Grahams Lane from existing vehicle crossovers. Lot 2 has frontage to three local roads being Tanners Lane, Grahams Lane and the Wangaratta-Kilfeera Road. Access points could be designed and constructed at any point along any of these roads, providing they are to Council standards. The traffic generated from either lot will be minimal and have no detrimental impact on the operation of the local road network.



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## 5.0 Conclusion

The proposed re-subdivision of two lots at 64 Grahams Lane Hansonville will create a new small lot for an existing dwelling, allowing the long-term owner of the property to retire in place whilst managing his withdrawal from the family farming business. A new large balance lot of over 60 hectares will also be created, providing opportunity for new or existing farmers to purchase in an area of high agricultural versatility.

The proposal responds to the natural environment, by incorporating the existing lagoons and planted shelter belts into one large farming lot to make long term management easier and more sustainable. The lot layout ensures the important farming infrastructure such as a new cattle yards on Tanners Lane, dams and fenced paddocks stay with the large farming lot and will continue to be used for grazing or other agricultural purposes.

The creation of a new vacant lot over 40 hectares does provide the opportunity for a new dwelling on proposed Lot 2, although this is not a given outcome. A new dwelling in this area will help retain population in the Greta South/Hansonville locality, in turn supporting the local primary school and other community facilities. This is an important purpose of the Farming Zone. The density of settlement within this locality is reasonably high for a farming area, demonstrating that not only is the area capable of supporting smaller lots, but that farming activities and associated houses are living in relative harmony with each other.

The amount of land considered 'lost to agriculture' by planning policy through the creation of a small house lot is 2.0 hectares. It is argued that, in fact, a lot of this size will need to be actively farmed to ensure management of pest plants and animals. A range of small farming activities could be supported on this property, thereby ensuring the land is farmed and not lost to production. In the end, any farming land can be sold to anyone, regardless of their experience with farming or desire to maintain a working farm.

The proposed re-subdivision of two existing farming lots into a small rural living lot and a large balance lot is not an unreasonable outcome in the Farming Zone. The re-subdivision will greatly assist the current owner to better manage his farm into the future, whilst creating opportunity for new owners to enter the market in this highly desirable and sought after farming district. The original purpose of the small house lot excision is very relevant here – the provision exists specifically for retiring farmers to remain in their family home and within the community that they know and that supports them. Allowing this proposal is a fair and reasonable outcome for a farmer with strong connections to the Greta South/Hansonville locality.

The proposal is generally consistent with the purposes and provisions of the Farming Zone and is supported by local and State planning policy with regards protection and management of agricultural land. In the end, this proposal is about supporting a local farmer from a family that has been in the district for generations to live, work and eventually retire in a rural community that can easily accommodate the proposed changes. In supporting this proposal, a large farming lot is also created which provides opportunity for new families in the area. Without succession planning, these rural communities will struggle to remain viable in the face of climate change and an aging rural population.

It is requested, therefore that a permit be issued, granting approval for the re-subdivision of lots at 64 Grahams Lane Hansonville as outlined within this report.





**APPENDIX 1 – Concept Development Plan**  
(Refer to separate document)





**APPENDIX 2 – Copy of titles**  
(Refer to separate documents)



**APPENDIX 3 – Photographs of site and surrounds**



View of property from rear of dwelling – looking south to lagoon, overhead power line and shelter belts



Panorama view from rear of farm dwelling



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Rear of farm dwelling showing shedding and water tank



Panorama view of existing farm dwelling



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View north to rear of farm dwelling and shed



Gardens and vehicle access from Grahams Lane



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Sheds associated with farm dwelling



Western vehicle crossover from Grahams Lane to dwelling



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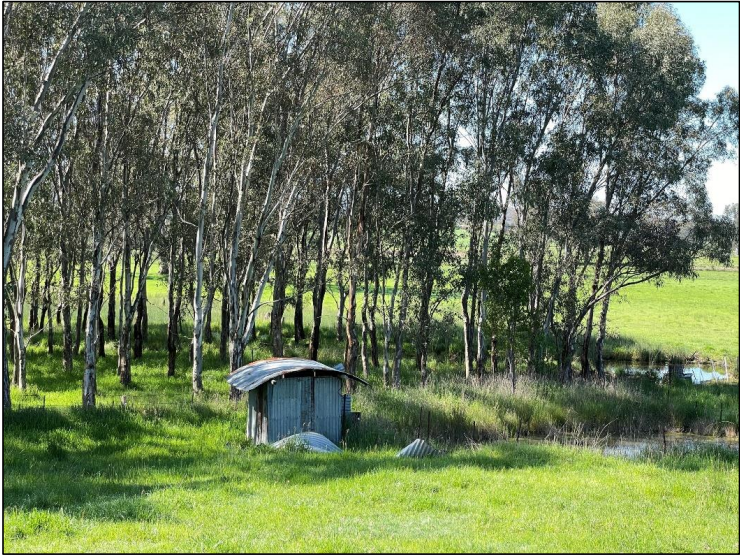
View of western crossover to Grahams Lane



View south to existing pump (for domestic water supply) and overhead powerline



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Close up view of pump shed located adjacent shelter belt



Planted river red gums forming a number of shelter belts across the property



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View east along Grahams Lane adjacent farm dwelling



View of eastern vehicle cross over from Grahams Lane



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View north showing new cattle yards on Tanner Lane  
with dwelling in the background



View west along Tanner Lane



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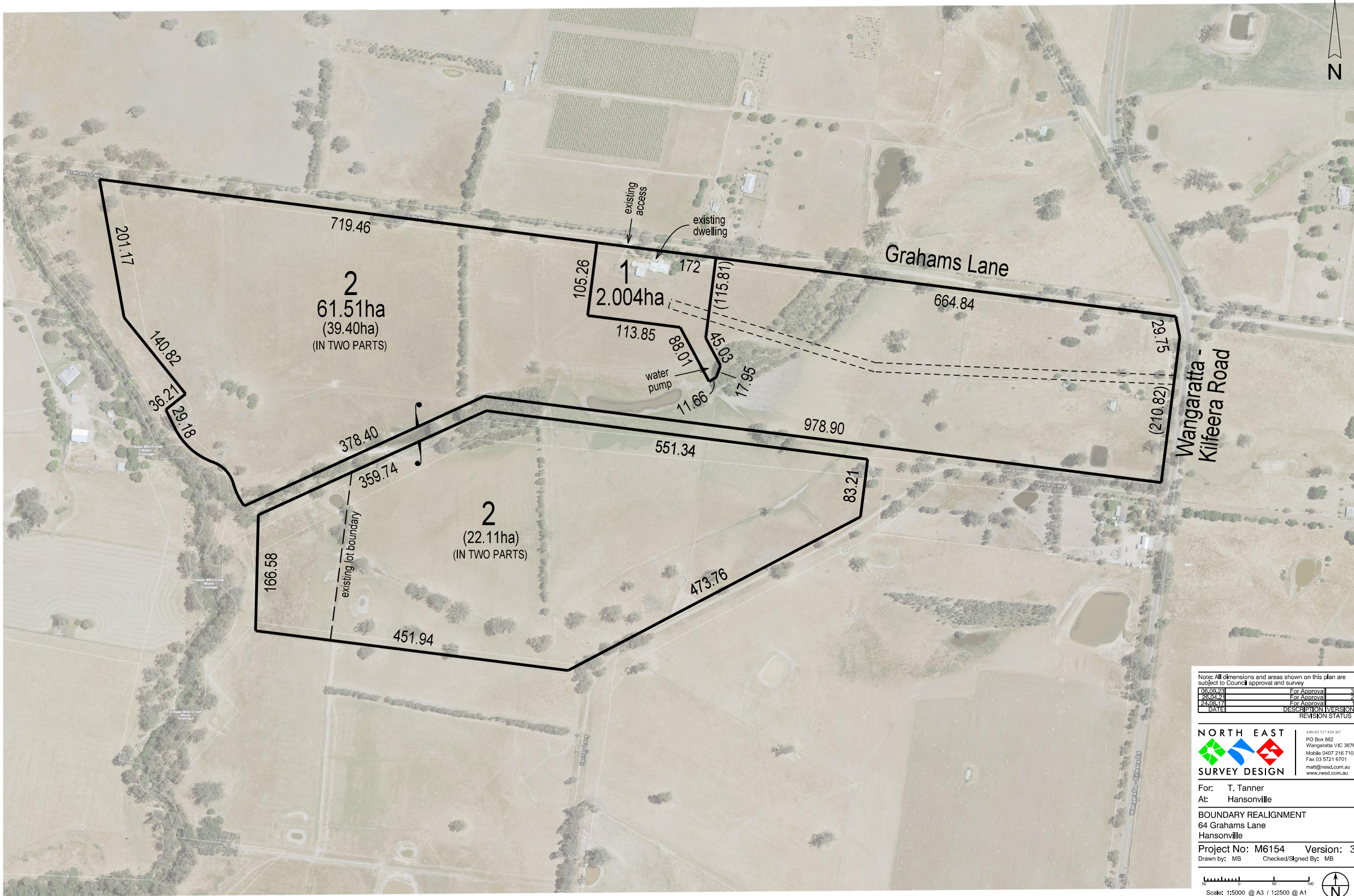
View south across property showing surrounding farming land  
and distant hills



NORTH EAST SURVEY DESIGN



PROPOSED SUBDIVISION PLAN



Note: All dimensions and areas are approximate only and are subject to survey and Council approval.

Note: All dimensions and areas shown on this plan are subject to Council approval and survey

DATE	DESCRIPTION	REVISION STATUS
16/09/23	For Approval	1
28/04/24	For Approval	2
24/06/24	For Approval	3

**NORTH EAST SURVEY DESIGN**

For: T. Tanner  
At: Hansonville

BOUNDARY REALIGNMENT  
64 Grahams Lane  
Hansonville

Project No: M6154 Version: 3  
Drawn by: MB Checked/Signed By: MB

Scale: 1:5000 @ A3 / 1:2500 @ A1

Status: **FOR APPROVAL**

Print Date: 6/09/2023  
Drawing Name: Sheet 1  
File Name: M6154 PropSub v4.dgn



1.1.1.1 PLANNING PERMIT APPLICATION PInApp23/201 - Use and development of the land for an office and accommodation building ancillary to an existing rural store AT 352 Shanley Street WANGARATTA SOUTH VIC 3678,

**Author: Holly Sawyer (Coordinator Planning)**

**Reviewed by: Clare Cowdery (Manager Statutory Services)**

**Background**

**Applicant:** North East Survey Design Pty Ltd

**Subject Land:** Lot 2 LP 116269 Vol 9126 Fol 170  
352 Shanley Street WANGARATTA SOUTH VIC 3678

**Zone/s:** Farming Zone

**Overlay/s:** Significant Landscape Overlay – Schedule 1 (partial)

**Recommendation**

It is recommended that Council issue a Notice of Decision to Grant a Planning Permit for the use and development of the land for an office and accommodation building ancillary to an existing rural store at 352 Shanley Street Wangaratta South.

**Site & Context**

The subject site is located on the northern side of Shanley Street, approximately 240m from the intersection of Shanley Street and Warby Range Road. The subject site is a rectangular parcel of land with a land area of approximately 16ha, and currently contains four outbuildings on the land.

Two outbuildings are used for agricultural (land management) purposes, whilst two other existing structures are associated with the rural store (including a 6.1m x 2.4m cool room). The rural store is established on the land and operates to provide a cold storage function associated with a vermin control business that supports farming activities on other land. Currently, carcasses are brought onto the land, already field dressed, and stored in the cool room until such time as a truck comes to collect the carcasses for processing off-site. There is currently no processing being undertaken on the land.

There is an existing vehicle access to Shanley Street, with boundary fencing and a gate. There is also a waterway that traverses the subject site East-West. Existing vegetation on the land is scattered across the paddocks to the north and south of the waterway, with more dense vegetation found along the waterway itself.

The adjoining 29ha lot on the corner of Shanley Street and Warby Range Road is within common ownership but does not form part of this application. Any complaints regarding the private motorcycle track or vegetation removal of that lot are not addressed as part of this assessment.

The subject site is located within the Farming Zone and is immediately surrounding by land in common zoning. Land to the east of Warby Range Road is located within the Rural Living Zone – Schedule 2. The surrounding area is relatively fragmented, with the lot sizes for land within the Farming Zone ranging from 0.4ha to approximately 30ha. There are also a number of smaller lifestyle properties found at the western end of Shanley Street. There are still agricultural activities occurring within the area, with low scale grazing, horse husbandry and orchards the more popular activities. Further east along Shanley Street, the nature of the land uses transitions to heavy industry, with the Van Hessen factory, the saleyards and other factories within that area.



(The subject site in context of the surrounding area)



(Aerial image of the subject site)

### **Proposal**

The application seeks approval for a transportable building to be placed on the site to be used as an office and employee accommodation ancillary to the existing rural store. The purpose of the worker accommodation is for fatigue management to provide the contract employees with somewhere to sleep prior to travelling again for those employees that are not local. There would only be a maximum of 6 persons staying at the accommodation at any one time, although it would be more likely that only one or two persons would use it per day. The proposed maximum length of stay is 12 hours. The office portion of the transportable building is also proposed to be used ancillary to the rural store to provide a location of administrative requirements for the business. The proposed transportable building would be connected to the existing septic system (it is noted that the application initially indicated a new proposed system, although that was stated in error), with no alterations to that system proposed. Access would be maintained via the existing crossover and driveway.

No changes are proposed to the main rural store operations. The existing storage of carcasses is to remain as existing (i.e. no processing). The frequency of vehicle movements to and from the site would remain the same, as the proposal would not result in additional storage capacity for the rural store.

**Planning Permit Trigger**

- Clause 35.07-1: Use of the land for a rural store with a floor area greater than 100sqm (the proposed development would bring the collective floor area of the existing rural store over 100sqm).
- Clause 35.07-2: Buildings and works for the construction of a building associated with a Section 2 Use and construction of a building within 100m of a waterway.
- A planning permit is not required under the Significant Landscape Overlay – Schedule 1 as the proposed buildings and works are located outside of the part of the site affected by this overlay.

**Relevant Planning Provisions**

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

Policy:	Objective/Strategy:
Clause 02.03-4 (Agriculture)	<p>Council seeks to protect the viability of agricultural by:</p> <ul style="list-style-type: none"> <li>• Maintaining the productivity and versatility of agricultural land, particularly in higher agricultural 'versatility' areas.</li> <li>• Protecting the primacy of rural land for agricultural purposes.</li> <li>• Minimising potential amenity impacts between agricultural uses and rural lifestyle uses.</li> <li>• Ensuring that dwellings and subdivision meet the principle of 'right to farm' in rural areas, where existing agricultural and rural uses in the area have a right to legally continue.</li> <li>• Ensuring that dwellings and subdivision do not adversely impact on the agricultural activities carried out on the land and the general area.</li> <li>• Directing rural lifestyle development to existing Rural Living and Low Density Residential Zones.</li> </ul>

Policy:	Objective/Strategy:
Clause 13.07.1S (Land use compatibility)	<p>To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.</p> <p>Strategies include:</p> <ul style="list-style-type: none"> <li>• Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.</li> </ul>
Clause 14.01-1S (Protection of agricultural land)	<p>To protect the state's agricultural base by preserving productive farmland.</p> <p>Strategies include:</p> <ul style="list-style-type: none"> <li>• Prevent inappropriately dispersed urban activities in rural areas.</li> </ul>
Clause 14.02-2S (Water quality)	<p>To protect water quality.</p> <p>Strategies include:</p> <ul style="list-style-type: none"> <li>• Ensure that land use activities potentially discharging contaminated run-off or wastes or waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.</li> </ul>
Clause 14.02-2L (Water quality)	<p>Improve water quality through the provision of riparian buffers that retain and re-establish riparian vegetation.</p> <p>Protect ground water quality from effluent disposal systems and other urban and agricultural uses.</p>



<b>Policy:</b>	<b>Objective/Strategy:</b>
Clause 17.01-1S (Diversified economy)	<p>To strengthen and diversify the economy.</p> <p>Strategies include:</p> <ul style="list-style-type: none"> <li>• Support rural economies to grow and diversify.</li> </ul>
Clause 17.01-1R (Diversified economy – Hume)	Encourage appropriate new and developing forms of industry, agriculture, tourism and alternative energy production.

### **Zone**

#### *Clause 35.07 – Farming Zone*

The subject site is located within the Farming Zone pursuant to Clause 35.07 of the Scheme. The purpose of the FZ is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

The decision guidelines of Clause 35.07-6 relevant to this application are as follows:

- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- Whether the use or development will support and enhance agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.

### **General Provision**

#### *Clause 65.01 – Approval of an application or plan*

The decision guidelines of this provision relevant to this application are as follows:

- The purpose of the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

#### **Internal Departmental Advice**

Department	Response
Environmental Health	No objection to the issue of a permit subject to conditions.

#### **Advertising**

The application was advertised to adjoining landowners and occupiers. 21 objections were received.

The issues raised in the representations are summarised below and comments made.

Issue	Comment
Concerns that the proposed accommodation will not continue to be used for worker accommodation.	Any issued permit would include conditions around how the accommodation could be used, including requirements that those accommodated could only be employed in association with the rural store and being accommodated for purposes associated with the activities of the rural store. The Responsible Authority must assume that any requirements imposed as part of a planning permit would be complied with. Any non-compliance would be subject to enforcement action.
Vegetation removal occurring on the site.	This vegetation removal has been in relation to the installation of new boundary fencing and construction of the private motorcycle track on the adjacent title allotment. Council provided written advice to the proponent in 2022 outlining that some of the vegetation removal could occur without planning approval, whilst any other removal was done

Issue	Comment
	in accordance with planning permit PInApp22/215.
Concerns about works associated with the motorcycle track.	This is not located on the subject site and does not form part of this application.
Neighbours moved to the area for a rural lifestyle.	<p>The majority of the noise and dust complaints mentioned in the submissions relate to the motorcycle track and not the proposal herein.</p> <p>In relation to rural lifestyle considerations, the site and immediately adjoining properties are located within the Farming Zone which prioritises agricultural activities above sensitive land uses. The proposal seeks to support an existing rural store that was established as of right under the provisions of the Farming Zone. The proposal herein is not considered to result in any alterations to the character of the surrounding area given that the development consists of a single building that the proponent has indicated that they are happy to provide buffer landscaping around.</p> <p>Further, there is a distinct mixed character along Shanley Street, particularly given that the eastern end contains heavy industry or other land uses that pose amenity impacts.</p>
Proximity of the proposal to a waterway and concerns regarding contamination.	<p>The proposal itself only seeks to construct a building for administrative and employee accommodation to support the existing rural store on the land. This development would be subject to standard drainage conditions and requirements relating to connecting to the existing septic system on the land. Given the nature of the proposed office/accommodation building, it is not considered that there is any risk of waterway contamination that could result from the proposal.</p> <p>The proposed building is sought to be located approximately 50m from the waterway on the subject land, this is similar to other buildings (including dwellings) along Shanley Street.</p>
Rural store (storage associated with vermin control business) is not an	The Farming Zone permits the use of the land for a rural store as of right where the floor area of the use is less than 100sqm. The cold

Issue	Comment
appropriate land use within the Farming Zone.	store and other storage components of the rural store were established as of right and do not form part of the proposal herein. Therefore, the Responsible Authority cannot make consideration as to the 'appropriateness' of the storage of carcasses within the Farming Zone given that a permit was not required.
The development is inconsistent with the natural character of the surrounding area.	Inspections of the site and surrounding area indicated that most dwellings and other buildings are highly visible from the street network. The proponent has indicated that they would be happy to provide buffer landscaping around the proposed building to assist in obscuring the development from the public realm.
Concerns around previous planning permit PInApp22/215 including no notice.	That application was advertised via letters to adjoining and surrounding landowners and occupiers and no objections were received. The application was assessed against the relevant provisions of the Planning Scheme.
Questions around the type of vermin control and where they are collected from.	As discussed previously, the nature of the vermin control business and established rural store are not subject to this assessment. Further, the licensing process for the vermin control business is handled by the State Government and is not a planning consideration.
Concerns that there would be an increase in traffic.	The proposal seeks to provide accommodation for a maximum of 6 employees although it is expected more likely that only two persons would use the accommodation at any one time. The proposal has indicated that the development would not facilitate an increase in employee numbers rather the purpose is to provide a rest area for the existing employees. Therefore, it is considered that an increase in vehicle movements would not be likely as a result of the development.
Concerns that the application was advertised to neighbours over Christmas.	The Responsible Authority took this into consideration and have the applicant the option to advertise over the Christmas break for an extended period of four week rather

Issue	Comment
	than the standard three week or they could wait to commence advertising until late January 2024. The proponent chose the extended advertising period over the Christmas break.
Clarification around land use definition.	<p>The proponent sought planning advice from Council prior to establishing the rural store to determine planning requirements. Following discussions with the proponent regarding the nature of the storage and what was being stored, the most appropriate land use within the Planning Scheme was considered to be a 'Rural Store'. The definition of a Rural Store pursuant to Clause 73.03 is as follows:</p> <p><i>Land used to store unprocessed agricultural produce, or products used in agriculture.</i></p> <p>Given that there was no processing proposed, and the carcasses are collected from farms for the purpose of further off-site processing for dog food, this land use was considered the most suitable.</p>
Lack of detail in the application regarding the vermin control business.	The applicant is not obliged to provide information regarding the business as part of this application as the proposal is only for an administrative and accommodation building to support the established rural store. As discussed previously, the established activities are not subject to assessment under this application.
Environmental impacts resulting from the cold storage.	As discussed above, this is not subject to this application. It should be noted that as the rural store is a commercial enterprise any environmental compliance is handled by the EPA and PrimeSafe.
Concerns around future commercial growth on the site.	Any further expansion of the rural store or a transformation of the land use (i.e. introduction of processing) would require further planning approval which would be subject to public notice and assessment on its merits against the Planning Scheme.
Concerns around planning by stealth (claims that the	As discussed previously, the motorcycle track is not part of this application. Further, any

Issue	Comment
proponent sought planning approval for a motorcycle track in City of Whittlesea which was refused).	previous planning applications potentially made by the proponent in a different municipality has no bearing on the assessment herein.
Concerns around the existing septic system capacity to support the proposed accommodation.	Council's Environmental Health Unit inspected the installed system and confirmed that the system is compliant with the relevant EPA guidelines and has sufficient capacity to support the proposed accommodation.
The proposal diminishes the agricultural viability of the site.	The proposed development is sought to be located in the existing development cluster located on the site. The remainder of the site would be available for low scale grazing, as it is already used for.
Why is the accommodation needed?	The purpose of the accommodation is for fatigue management for employees who do not live locally. Essentially, they would be able to get a couple of hours sleep and then leave. The proposal seeks to avoid having employees driving whilst tired.
A proposed commercial activity is inappropriate for the area and would result in detrimental amenity impacts.	The majority of the rural store activity has been established and is already operating. The proposal does not seek to intensify the storage aspect of the rural store and therefore is not considered to result in any detrimental amenity impacts resulting from increased traffic or operating hours.
Safety concerns around strangers coming to the area.	As discussed previously, the rural store is established and the traffic movements are not proposed to be increased as a result of the proposed development. Further, it is noted that the Salisbury Falls are accessed via Shanley Street which would likely generate more traffic from 'strangers' than the existing rural store.
The proposal would be better suited to a commercially zoned area.	The application herein is permissible under the Farming Zone and the proponent is therefore able to make an application for a planning permit. Any application must be assessed on its merits against the Planning Scheme and the Responsible Authority cannot force a proponent to choose a different site.

Issue	Comment
Confusion arising from the Chronicle article claiming that there would be a shop on the land.	The application does not seek to introduce onsite sales or access by the general public.
Hours of operation.	As discussed previously, the rural store is established and the general operations of the business are as of right and not subject to restrictions imposed by the Responsible Authority. The proposal herein would not result in any changes to the use that would require imposing operating hours conditions.
Concerns that the proposal does not support the local economy if the accommodation is for employees not local to the area.	The proponent verbally indicated that the employed contractors are generally local and from across the state. The availability of contractors and contracts influences where the employees are coming from. This is not a matter that is subject to the assessment herein. The proposal seeks to provide fatigue management for employees of an established rural store.
NECMA and EPA should be involved in assessment.	There are no referral requirements to either NECMA or the EPA under the Planning Scheme for the proposed accommodation/office building. As discussed previously, the proposal does not seek to alter the storage function of the established rural store and the development is sufficiently setback from the waterway that standard drainage conditions can be used to ensure that stormwater is managed appropriately.
Type of fencing being more related to deer farming. Is it related to the business?	The fence did not require a planning permit. Therefore, the type of fencing is not subject to any planning policy nor does it form part of this application.
The proposal will reduce land values.	Land values are not a planning consideration.

### **Planning Assessment**

#### ***Ancillary office and accommodation for a rural store in the Farming Zone***

The proposal seeks to develop an office and accommodation building to provide administrative and fatigue management support to the existing rural store established on the subject land. The proposal seeks to construct a relocatable building close to the existing buildings associated with the rural store and utilise the existing septic system on the land. No vegetation is

required to be removed for the proposal, nor are any earthworks required for the development. The proposed development would be located more than 200m from the closest neighbouring dwellings (west and south of the site). The proponent has indicated that they would be happy to provide buffer planting around the proposed development to obscure the building from the public realm (Shanley Street) and from the neighbouring property to the west.

The use of the building would be in a supportive role to the existing rural store. The office/administrative function would not require a full-time employee but rather provide a designated space for the business owner to undertake administrative tasks when required. Further, the proposed accommodation is not sought to provide long-term accommodation, rather it is only to provide fatigue management (no more than 12-hour stay) for employees that require rest prior to getting back on the road due to the nature of the vermin control business primarily operating at night (note: operating hours are not subject to this assessment).

The Farming Zone seeks to encourage the retention of employment and population to support rural communities and encourage the retention of productive agricultural land. The proposed development is sought to be co-located with existing development on the land, which will ensure that the balance of the subject site remains available for agricultural activities (currently used for grazing). Further, the proposal seeks to provide support for employees of a business that, whilst not directly associated with an agricultural activity on the site itself, supports farming activities elsewhere within the municipality and beyond.

The development is able to be appropriately obscured from the public realm to support rural landscape character objectives for the surrounding area via buffer planting, and the development is sufficiently setback from Shanley Street so as not to dominate the landscape. The development is approximately 50m from the waterway which traverses the subject site, although it is actually setback further away than existing development both on the subject site and neighbouring allotments from the waterway. Further, given that the development's use does not include any carcass storage, there are no considerations required around potential runoff contamination. Standard conditions regarding drainage can be included on any issued permit to ensure that stormwater is appropriately directed to the satisfaction of the drainage authority.

Concerns have been raised around traffic management in relation to the accommodation. The proposal would not result in any increase in traffic movements to and from the site. Providing temporary accommodation for the employees would likely reduce the amount of light spill from vehicles leaving



the site at night, as they would likely be leaving the site in daylight hours instead of leaving the site before daybreak. Further, the provision of buffer planting would assist in baffling any light spill from vehicles turning around within the site.

In terms of seeking to ensure that the accommodation remains ancillary to the rural store, conditions can be included on any issued permit that control how the accommodation is used and impose a maximum length of stay for employees. The Responsible Authority must assume that any permit holder would abide by the requirements of their planning permit, regardless of the type of proposal or any previous compliance matters on a site. Therefore, it is considered that suitable conditions can be imposed that would ensure the accommodation is used only in an ancillary manner to the rural store. If the accommodation were sought to change, then further planning approval would need to be obtained.

### **Conclusion**

The proposal represents an appropriate outcome in relation to the purpose and objectives of the Farming Zone, as it is ancillary to an existing rural store and is not considered to represent any detrimental risks to the environment or surrounding amenity. Therefore, it is considered that the proposal should be supported.

### **Recommendation:**

That Council issue a Notice of Decision to Grant a Planning Permit for Planning Application PlnApp23/201 for the use and development of the land for an office and accommodation building ancillary to an existing rural store at 352 Shanley Street Wangaratta South, subject to conditions.

### **Communication**

That the applicant and objectors be advised of Council's decision.

### **Conditions**

#### **Amended Plans**

1. Before the development starts, plans must be approved and endorsed by the Responsible Authority. The plans must:
  - a. Be prepared to the satisfaction of the Responsible Authority.
  - b. Be drawn to scale with dimensions.
  - c. Submitted in electronic form.
  - d. Be generally in accordance with the plans forming part of the application but amended to show:
    - i. The provision of buffer planting, at a density sufficient to ensure the development is obscured from view from Shanley Street

and the dwelling to the west of the site, along the southern and western sides of the proposed building (species selected must be suitable for screening purposes and appropriate for the climate conditions of the subject site).

#### General

2. This permit will operate from the issued date of this permit.
3. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the Responsible Authority.
4. The layout of the use and development must not be altered from the layout on the approved and endorsed plans without the written consent of the Responsible Authority.
5. The accommodation may only be used by persons employed or contracted as part of the rural store on the land, to the satisfaction of the Responsible Authority.
6. The accommodation may not be used by any employee for a period of more than 12 hours, to the satisfaction of the Responsible Authority.
7. The accommodation may not be occupied by more than 6 employees at any one time, to the satisfaction of the Responsible Authority.
8. Before the use starts, the landscaping as shown on the approved plan(s) must be carried out and completed to the satisfaction of the Responsible Authority. The Responsible Authority may consent in writing to vary this requirement.
9. At all times the landscaping shown on the approved plan(s) must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the Responsible Authority.
10. The development must be drained to the satisfaction of the Responsible Authority.
11. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjacent property or streets other than by means of an approved drainage system discharged to an approved outlet in a street or to an underground pipe drain to the satisfaction of the Responsible Authority.
12. All external materials, finishes and paint colours are to be muted, non-reflective tones, to the satisfaction of the Responsible Authority.
13. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

14. All areas of disturbed ground must be restabilised and revegetated at the completion of the development to the satisfaction of the Responsible Authority.

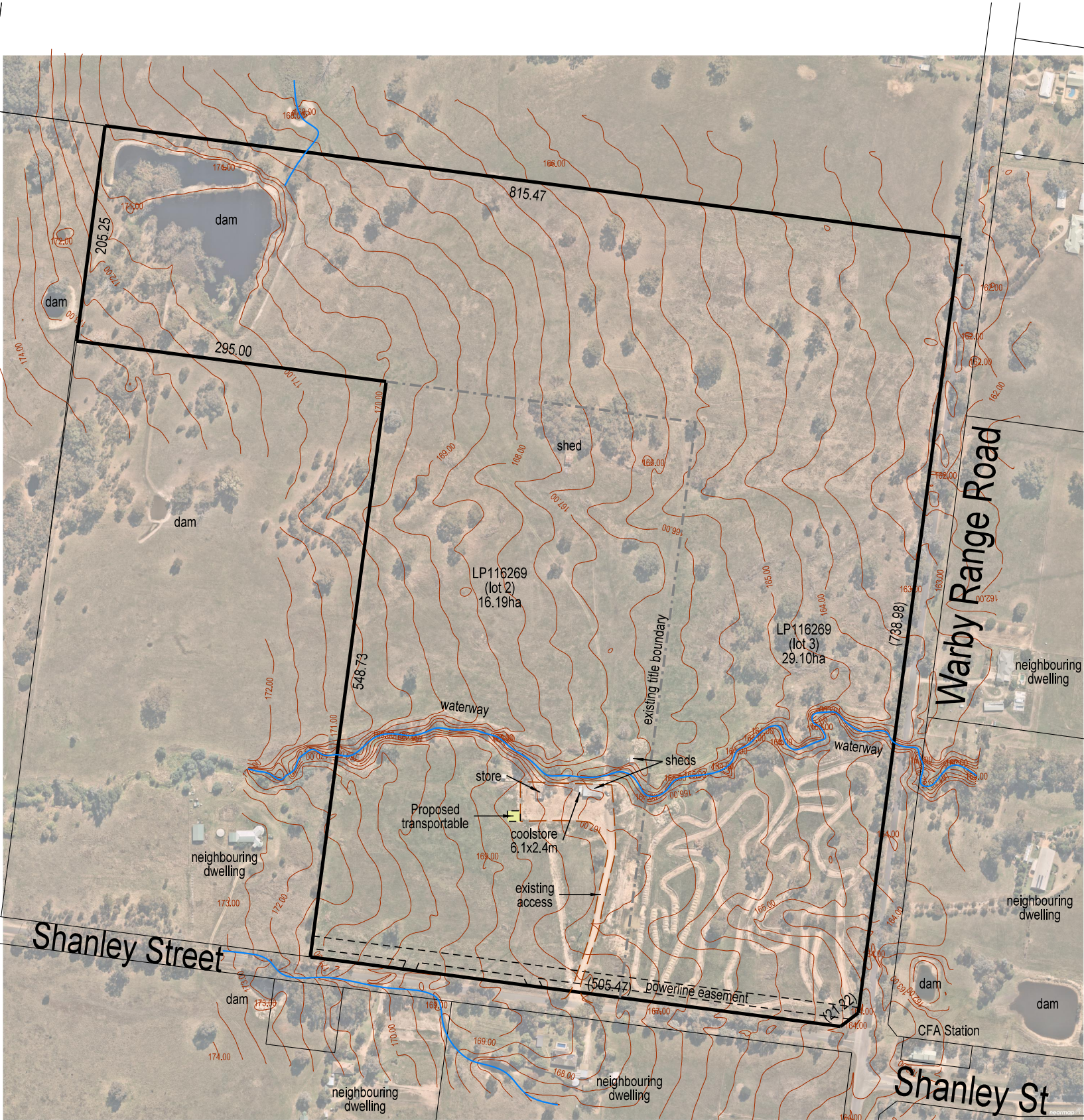
15. This permit will expire if any of the following circumstances applies:

- a. The development is not started within two (2) years of the issued date of this permit; or
- b. The development is not completed within four (4) years of the issued date of this permit; or
- c. The use does not start within four (4) years of the issued 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.



CONCEPT DEVELOPMENT PLAN



Note: All dimensions and areas shown on this plan are approximate and subject to Council approval and survey

DATE	DESCRIPTION	VERSION
22/12/23	For Approval	2
08/12/23	For Approval	1

**NORTH EAST**  
SURVEY DESIGN  
A/N 63 127 409 917  
PO Box 362  
Wangaratta VIC 3676  
Mobile 0407 216 710  
Fax 03 5721 6701  
mail@nesd.com.au  
www.nesd.com.au

For: Mick Lambing  
At: South Wangaratta

CONCEPT DEVELOPMENT PLAN  
352 Shanley Street  
South Wangaratta

Project No: M8116 Version: 2  
Drawn by: MB Checked/Signed By: MB

Scale: 1:4000 @ A3 / 1:2000 @ A1

Status: **FOR APPROVAL**

Print Date: 22/12/2023  
Drawing Name: Sheet 1  
File Name: M8116 Site 2.dgn



# 352 SHANLEY STREET, WANGARATTA SOUTH 3678

ANDREW LAMBING

## TRANSPORTABLE DWELLING



PAGE LIST	
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PLANNING PERMIT ISSUE

REV	DESCRIPTION	DATE	INITIAL
A	PLANNING PERMIT ISSUE	22.11.2023	NL

DRAWING TITLE	PAGE NO.
COVER PAGE	000
DATE	SCALE (A3)
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PROJECT NAME	
TRANSPORTABLE DWELLING	
CLIENT NAME	
ANDREW LAMBING	
PROJECT ADDRESS	
352 SHANLEY STREET , WANGARATTA SOUTH VIC 3678	

**Builsense Building Design**  
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GENERAL NOTES:

(AS PER THE NCC 2022 BCA VOL 2 & ABCB HOUSING PROVISIONS)

1. ALL DESIGN, CONSTRUCTION METHODS AND MATERIALS TO BE IN ACCORDANCE WITH:  
• THE CURRENT NATIONAL CONSTRUCTION CODES (NCC)  
• THE STATE DEVELOPMENT CODE  
• BUILDING REGULATIONS  
• CURRENT ISSUES OF AUSTRALIAN STANDARDS & MANUFACTURERS SPECIFICATIONS & INSTALLATION DETAILS FOR MATERIALS USED  
2. THESE PLANS ARE TO BE READ IN CONJUNCTION WITH CONTRACT DOCUMENTS AND ENGINEERS DRAWINGS AND SPECIFICATIONS. RESPONSIBLE PARTIES ARE TO BE NOTIFIED OF ANY DISCREPANCIES.  
3. SUBSTITUTION OF ANY STRUCTURAL MEMBERS & OR VARIATIONS TO ANY PART OF THE DESIGN WILL VOID ANY RESPONSIBILITIES OF THE BUILDING DESIGNER FOR THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING.  
4. 3D VIEWS, PERSPECTIVES AND ILLUSTRATIONS ARE INTENDED TO BE A VISUAL AID ONLY, THEY ARE NOT PRESCRIPTIVE BUT INDICATIVE ONLY. THE IMAGES ARE NOT TO BE RELIED UPON IN ANY WAY FOR FINAL CONSTRUCTION FINISHES AND RESULTS.  
5. ALL DIMENSIONS IN MILLIMETERS.  
6. DIMENSIONS TAKE PREFERENCE TO SCALE AND ARE TO STRUCTURE NOT FINISH ON NEW WORK. EXISTING WALLS MAY BE NOMINALLY DIMENSIONED.  
7. ALL DIMENSIONS, DETAILS, SITE LEVELS AND FINISHED FLOOR LEVELS TO BE CONFIRMED BY CONTRACTOR BEFORE COMMENCEMENT OF ANY CONSTRUCTION AND RESPONSIBLE PEOPLE NOTIFIED OF ANY DISCREPANCIES.  
8. MANUFACTURER'S SPECIFICATION MEANS A CURRENT APPROVED SPECIFICATION FOR USE UNDER THE CONDITIONS APPLICABLE THESE DRAWINGS ARE AVAILABLE DIGITALLY, IF REQUIRED.  
9. ANY DATA SUPPLIED BY OTHERS AND SHOWN ON THESE DRAWINGS ARE NOT THE RESPONSIBILITY OF THIS DESIGNER. ALL USERS OF THESE DRAWINGS ARE ADVISED TO CHECK OTHER SUPPLIED DATA.  
10. OWNER REMAINS RESPONSIBLE FOR ONGOING MAINTENANCE OF BUILDING. STRUCTURAL ELEMENTS IN PARTICULAR ARE TO REMAIN PROTECTED BY THE METHODS SHOWN AND LISTED IN THESE DRAWINGS.  
11. ALL WINDOW AND DOOR DIMENSIONS ARE NOMINAL.

TERMITE RISK NOTES:

1. TERMITE CONTROL BARRIERS TO BE IN ACCORDANCE WITH AS 3660.1 AND HOUSING PROVISIONS PART 3.4 OF THE NCC 2022 VOL 2.  
2. ANY UNTREATED TIMBER POSTS, STAIRS AND THE LIKE SHALL BE SET 75MM MINIMUM CLEAR OF GROUND FOR VISUAL TERMITE CONTROL.  
3. TWO APPROVED NOTICES SHALL BE AFFIXED TO THE DWELLING AS REQUIRED ADVISING OWNERS OF THE METHOD OF TERMITE RISK MANAGEMENT USED, AND THEIR ONGOING RESPONSIBILITY FOR THE MAINTENANCE OF THE SYSTEMS.  
4. BUILDER TO CONFIRM WITH OWNER THE CHOSEN METHOD OF TIMBER PROTECTION.  
5. OWNER REMAINS RESPONSIBLE FOR ONGOING INSPECTION OF STRUCTURAL TIMBER ELEMENTS, AND THAT BARRIERS ARE NOT COMPROMISED.  
6. WHERE CONCRETE SLAB FORMS BARRIER, SLAB TO BE CONSTRUCTED AS PER AS2870. SLAB & FOOTINGS TO BE "MONOLITHIC". TERMITE COLLAR FLANGE TO BE CLAMPED TO PIPES AND SET IN SLAB. 75MM MIN OF EXPOSED SLAB EDGE TO REMAIN ABOVE FINISHED PERIMETER LEVEL. EXPOSED EDGE NOT TO BE COVERED BY SOIL, RENDERED OR TILED, BUT MAY BE PAINTED. WHERE BRICKWORK CONCEALS EDGE OF SLAB, IN ADDITION TO ABOVE, PROVIDE TERMITE COLLAR BARRIER BELOW D.P.C. FIXED TO SLAB EDGE.  
7. INSTALL ANT CAPPING TO ALL BRICK PIERS, TIMBER OR CONC STUMPS. KEEP TIMBER CLEAR OF GROUND WHEN ON STEEL ANCHORS. NON-TIMBER ELEMENTS (EG STEEL POSTS) NEED NO PROTECTION FROM TERMITES.  
8. ALL TIMBER IN DIRECT CONTACT WITH CONC TO BE SEPARATED BY G.I. FLASHING.

SITE WORKS NOTES:

1. POSITION OF DWELLING TO BE CONFIRMED BY SURVEYOR & CLIENT PRIOR TO ANY SITE WORKS.  
2. ALL STORMWATER, DOWN PIPES, RAIN WATER TANKS & SITE DRAINAGE TO BE SIZED & LOCATED BY THE HYDRAULIC CONSULTANT/ PLUMBER IN ACCORDANCE WITH NCC VOL. H2D2 & HOUSING PROVISIONS SECTION 7.4 AND STATE LEGISLATION/ LOCAL PLANNING SCHEME HOUSE CODE AND AS 3500 ALL PARTS.  
3. BUILDER TO ENSURE THAT ACTUAL SEWER LINE AND MANHOLE POSITIONS MATCH THOSE AS SHOWN AS BASED ON LOCAL AUTHORITY DOCUMENTS. ANY DISCREPANCIES MUST BE BROUGHT TO ATTENTION AND RESOLVED PRIOR TO COMMENCEMENT OF CONSTRUCTION.  
4. BUILDER TO DETERMINE APPROPRIATE PLATFORMING METHOD ON SITE PRIOR TO COMMENCEMENT OF ANY WORKS. FINISHED FLOOR LEVEL IS TO BE ABOVE THE MINIMUM LEVEL AS PER LOCAL AUTHORITIES REQUIREMENTS & TO COMPLY WITH NCC VOL 2 & HOUSING PROVISIONS PART 3.2 & H1D3  
5. FALL OF LAND UNKNOWN AND IS TO BE CONFIRMED ON SITE BEFORE COMMENCEMENT OF CONSTRUCTION. ANY REQUIRED EARTHWORKS INCLUDING CUT, FILL, BATTERS AND RETAINING MUST COMPLY WITH THE CURRENT NCC VOLUME 2 H1D3 & HOUSING PROVISIONS PART 3.2, AS 3798 & AS 4200.  
6. THE FINISHED SURFACE IMMEDIATELY SURROUNDING THE DWELLING, 1000mm WIDE, IS TO FALL AWAY FROM THE DWELLING AT A SLOPE OF 1 IN 20 MINIMUM.  
7. STORMWATER MUST BE CONNECTED TO A LEGAL POINT OF DISCHARGE -  
• STORMWATER KERB ADAPTERS TO STREET (2 MAX.)  
• ROOFWATER/STORMWATER PIPE  
• BUBBLERS TO COUNCIL SPECIFICATION.  
• RAINWATER TANK, OVERFLOW MUST CONNECT TO STORMWATER SYSTEM.  
8. SURFACE DRAINAGE IS TO DISCHARGE EVENLY WITHIN THE SITE AND WITHOUT NUISANCE TO ADJOINING PROPERTIES.  
9. ALL SUB-FLOOR AREAS MUST BE GRADED TO AVOID THE PONDING OF WATER.  
10. THE HEIGHT OF FENCES, INCLUDING THE HEIGHT OF RETAINING WALLS ARE NOT TO EXCEED 2.0m ABOVE FINISHED GROUND LEVEL ONLY IF INDICATED ON THE PLANS AND TO LOCAL AUTHORITY APPROVAL.  
11. WHERE SERVICES / PIPEWORK ARE LOCATED UNDER DRIVEWAYS AND SLABS CONTRACTORS ARE TO ENSURE ADEQUATE COMPACTION TO TRENCH BACKFILL IS ACHIEVED TO SUPPORT CONCRETE.

PATH/DRIVEWAY NOTES:

1. DRIVEWAY SLOPE NOT TO EXCEED 1:4. CHECK WITH LOCAL AUTHORITY REQUIREMENTS PRIOR TO CONSTRUCTING ANY DRIVEWAYS, PATHWAYS OR CROSSOVERS BETWEEN THE PROPERTY BOUNDARY AND ROAD KERB.  
2. PROVIDE A LAYER OF SAND A MINIMUM OF 20mm THICK UNDER THE SLAB, COMPACTED AND LEVELED.  
3. SLAB THICKNESS, MESH TO ENGINEERS DESIGN.

3D VIEW NOTES:

1. GROUND LINE OR SLOPE OF SITE IS NOT REPRESENTED ON 3D VIEWS.  
2. FURNITURE AND FIXTURES ARE INDICATIVE ONLY AND ARE NOT PRESCRIPTIVE.  
3. 3D VIEWS, PERSPECTIVES AND ILLUSTRATIONS ARE INTENDED TO BE A VISUAL AID ONLY, THEY ARE NOT PRESCRIPTIVE BUT INDICATIVE ONLY. THE IMAGES ARE NOT TO BE RELIED UPON IN ANY WAY FOR FINAL CONSTRUCTION FINISHES AND RESULTS.

ELECTRICAL NOTES:

1. SMOKE ALARMS TO BE INSTALLED IN ACCORDANCE WITH THE NCC PART H3D6 - SMOKE ALARMS. SMOKE ALARMS MUST COMPLY WITH AS 3786.  
• ONLY USE PHOTOELECTRIC TYPE SMOKE ALARMS  
• ALL SMOKE ALARMS TO BE INTERCONNECTED  
• INSTALL LOCATIONS:  
1. ON EACH LEVEL OF LIVING SPACE  
2. OUTSIDE EACH BEDROOM AREA  
3. IN EVERY BEDROOM  
2. THIS PLAN IS INDICATIVE ONLY AND IS TO BE USED ONLY AS AN EXAMPLE. OWNERS TO NOMINATE FINAL POSITIONS OF ELECTRICAL APPLIANCES, LIGHTING AND ELECTRICAL FITTINGS.

ELEVATION NOTES:

1. WALL FINISHES AND WINDOW TYPES ARE INDICATIVE ONLY AND ARE NOT PRESCRIPTIVE. REFER TO BUILDERS SPECIFICATIONS FOR

DETAILS.

2. GROUND LINE SHOWN ON ELEVATIONS DOES NOT RELATE TO ACTUAL SLOPE OF SITE.  
3. FURNITURE AND FIXTURES ARE INDICATIVE ONLY AND ARE NOT PRESCRIPTIVE.  
4. ELEVATIONS ARE INTENDED TO BE A VISUAL AID ONLY, THEY ARE NOT PRESCRIPTIVE BUT INDICATIVE ONLY. THE IMAGES ARE NOT TO BE RELIED UPON IN ANY WAY FOR FINAL CONSTRUCTION FINISHES AND RESULTS.

FLOOR PLAN NOTES:

1. SMOKE ALARMS TO BE INSTALLED IN ACCORDANCE WITH THE NCC PART H3D6 - SMOKE ALARMS. SMOKE ALARMS MUST COMPLY WITH AS3786.  
• ONLY USE PHOTOELECTRIC TYPE SMOKE ALARMS  
• ALL SMOKE ALARMS TO BE INTERCONNECTED  
• INSTALL LOCATIONS:  
1. ON EACH LEVEL OF LIVING SPACE  
2. OUTSIDE EACH BEDROOM AREA  
3. IN EVERY BEDROOM  
2. WALL FINISHES AND WINDOW TYPES ON 3D VIEWS ARE INDICATIVE ONLY AND ARE NOT PRESCRIPTIVE.  
3. ALL GLAZING TO BE IN ACCORDANCE WITH AS1288. WINDOWS SIZES MAY VARY DUE TO MANUFACTURER'S SPECIFICATIONS.

SECTION NOTES:

1. TRUSS DESIGN IS INDICATIVE ONLY AND IS NOT PRESCRIPTIVE. FINAL DESIGN TO TRUSS MANUFACTURER SPECIFICATIONS.  
2. ALL PINE TO BE JD4 MIN.  
3. ALL HWD. TO BE F14 MIN.  
4. GROUND LINE SHOWN DOES NOT RELATE TO ACTUAL SLOPE OF SITE.  
5. FURNITURE AND FIXTURES ARE INDICATIVE ONLY AND ARE NOT PRESCRIPTIVE.  
6. SECTIONS ARE INTENDED TO BE A VISUAL AID ONLY, THEY ARE NOT PRESCRIPTIVE BUT INDICATIVE ONLY. THE IMAGES ARE NOT TO BE RELIED UPON IN ANY WAY FOR FINAL CONSTRUCTION FINISHES AND RESULTS.

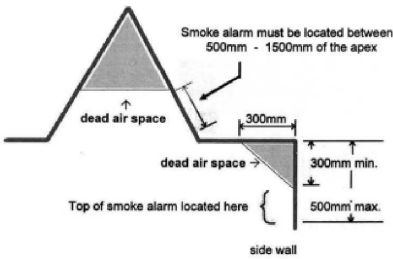
FOUNDATION NOTES:

1. THESE PLANS ARE TO BE READ IN CONJUNCTION WITH CONTRACT DOCUMENTS AND ENGINEERS DRAWINGS AND SPECIFICATIONS. RESPONSIBLE PARTIES ARE TO BE NOTIFIED OF ANY DISCREPANCIES. SITE CLASSIFICATION IS TO BE CONFIRMED BY INSPECTION OF FOOTING EXCAVATIONS.  
2. PLUMBER RESPONSIBLE TO LOCATE AND CONFIRM SEWER HOUSE CONNECTION LOCATION ACCURATELY PRIOR TO COMMENCEMENT. PLUMBER IS TO VERIFY WITH SITE SUPERVISOR PRIOR TO SETTING OUT FIXTURE DRAINAGE POINTS. NO AMENDMENTS OR SPECIAL FIXTURES HAVE BEEN NOMINATED.  
3. WHERE SERVICES / PIPEWORK ARE LOCATED UNDER DRIVEWAYS AND SLABS CONTRACTORS ARE TO ENSURE ADEQUATE COMPACTION TO TRENCH BACKFILL ACHIEVED TO SUPPORT CONCRETE.  
4. REBATE GARAGE DOORS & SLIDING GLASS DOORS 20mm, AND SHOWER RECESSES 50mm IN LOCATIONS SHOWN.  
5. ACCORDING TO MANUF' SPEC. OR BUILDERS DIRECTIONS.  
6. MINIMUM COVER TO GROUND - 50mm.  
7. TOP COVER TO SLAB REINFORCEMENT - 30mm.  
8. GRADE FINISHED GROUND SURFACE TO DIVERT WATER AWAY FROM BUILDING.  
9. WATERPROOF MEMBRANE IS 0.2mm POLYETHYLENE. JOINTS ARE TO BE LAPPED 300mm AND TAPED.  
10. REINFORCEMENT TO BE SUPPORTED ON PLASTIC CHAIRS AT 1000mm CRS.  
11. ALL CONCRETE IS TO BE MECHANICALLY VIBRATED DURING PLACING.  
12. FILL MATERIAL AND SAND UNDER SLABS IS TO BE COMPACTED TO 95% OF MAX. DRY DENSITY.  
13. FLOORS TO ALL WET AREAS TO HAVE A FALL TO A FLOOR WASTE.

4. BUILDER TO CONFIRM ALL DIMENSIONS PRIOR TO CONSTRUCTION. DIMENSIONS ARE TO FRAME ONLY AND DO NOT INCLUDE CLADDING/LININGS (UNO).  
5. S.S. BALUSTRADING TO COMPLY WITH CURRENT NCC VOLUME 2 SECTION H5D3 BARRIERS & HANDRAILS.  
6. DOORS TO W.C.'S TO HAVE LIFT OFF HINGES (ONLY IF THE DOORS SWING IN TOWARDS THE W.C).  
7. MASONRY CONSTRUCTION TO AS 3700.  
8. REFER ENGINEERS DRAWINGS & SPECIFICATIONS FOR ALL STRUCTURAL DETAILS, FRAMING, BRACING, TIE DOWN AND SLAB/FOOTING DETAILS.  
9. SEAL WET AREAS IN ACCORDANCE WITH PART 10.2.6 OF THE NCC 2022 VOL 2.

ROOF DRAINAGE NOTES:

1. ALL GUTTER AND DOWNPIPE WORKS TO AS/NZS 3500.3 AND CURRENT NCC VOLUME 2 PART H2D6.  
2. DOWNPIPES (DP) TO BE 100mmØ UPVC.  
3. TEMPORARY DOWNPIPES TO BE PROVIDED AT DP LOCATIONS DURING CONSTRUCTION DRAINING ROOFWATER ONTO GROUND, 2M MIN AWAY FROM BUILDING.  
4. ALL STORMWATER, DOWN PIPES, RAIN WATER TANKS & SITE DRAINAGE TO BE SIZED & LOCATED BY THE HYDRAULIC CONSULTANT/ PLUMBER IN ACCORDANCE WITH NCC VOL. H2D6 AND STATE LEGISLATION/ LOCAL PLANNING SCHEME HOUSE CODE AND AS 3500 ALL PARTS.  
5. THE ROOF DRAINAGE SYSTEM MUST BE PROVIDED WITH AN OVERFLOW TO PREVENT THE BACKFLOW OF WATER INTO THE BUILDING.  
6. THE AREA SPECIFIC RAINFALL INTENSITY MUST BE SELECTED FROM NCC TABLE 7.4.3d OR FROM AS/NZ3500.  
7. EAVES GUTTERS MUST BE INSTALLED AT A FALL NOT LESS THAN 1 IN 500 WITH SUPPORT BRACKETS AT 1.2m MAXIMUM CENTRES.  
8. BOX GUTTERS MUST BE INSTALLED AT A FALL NOT LESS THAN 1 IN 100 IN ACCORDANCE WITH AS/NZ3500.3.  
9. DOWNPIPES MUST SERVE NOT MORE THAN 12 METERS OF GUTTER LENGTH FOR EACH DOWNPIPE WHICH MUST BE LOCATED AS CLOSE AS POSSIBLE TO VALLEY GUTTERS. EAVES GUTTERS MUST BE PROVIDED WITH AN OVERFLOW SYSTEM WHERE DOWNPIPES ARE LOCATED MORE THAN 1.2 METRES FROM A VALLEY GUTTER.  
10. DOWNPIPES (DP) TO BE MAX. 12m LINEAL APART. DP Ø GUTTER MAX ROOF AREA 90mm MIN. 7900mm² MIN 35m² CROSS SECT. AREA



PLANNING PERMIT ISSUE

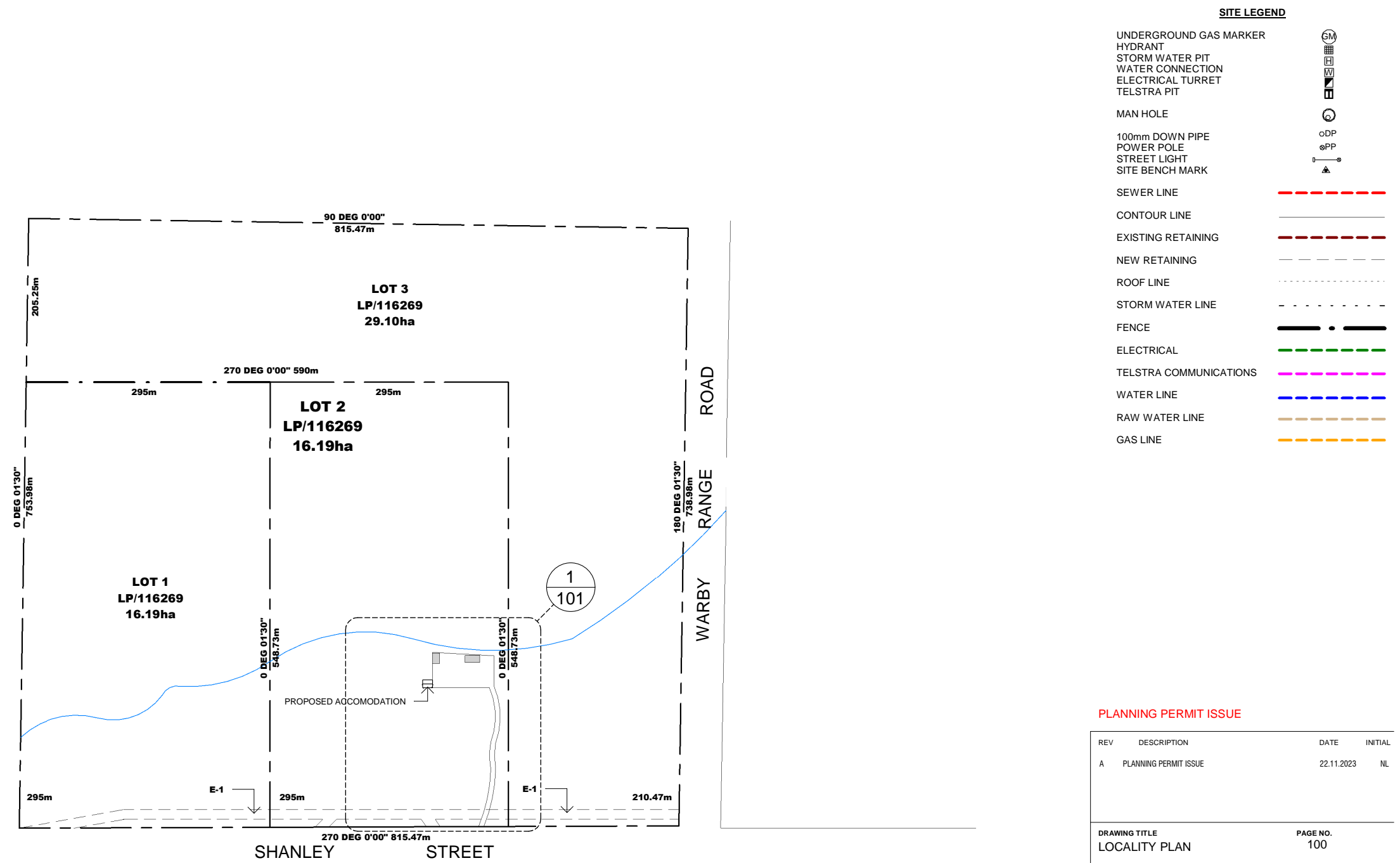
REV	DESCRIPTION	DATE	INITIAL
A	PLANNING PERMIT ISSUE	22.11.2023	NL

DRAWING TITLE	PAGE NO.
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DATE	SCALE (A3)
22.11.2023	1:100
REVISION	
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PROJECT NAME	TRANSPORTABLE DWELLING
CLIENT NAME	ANDREW LAMBING
PROJECT ADDRESS	352 SHANLEY STREET , WANGARATTA SOUTH VIC 3678

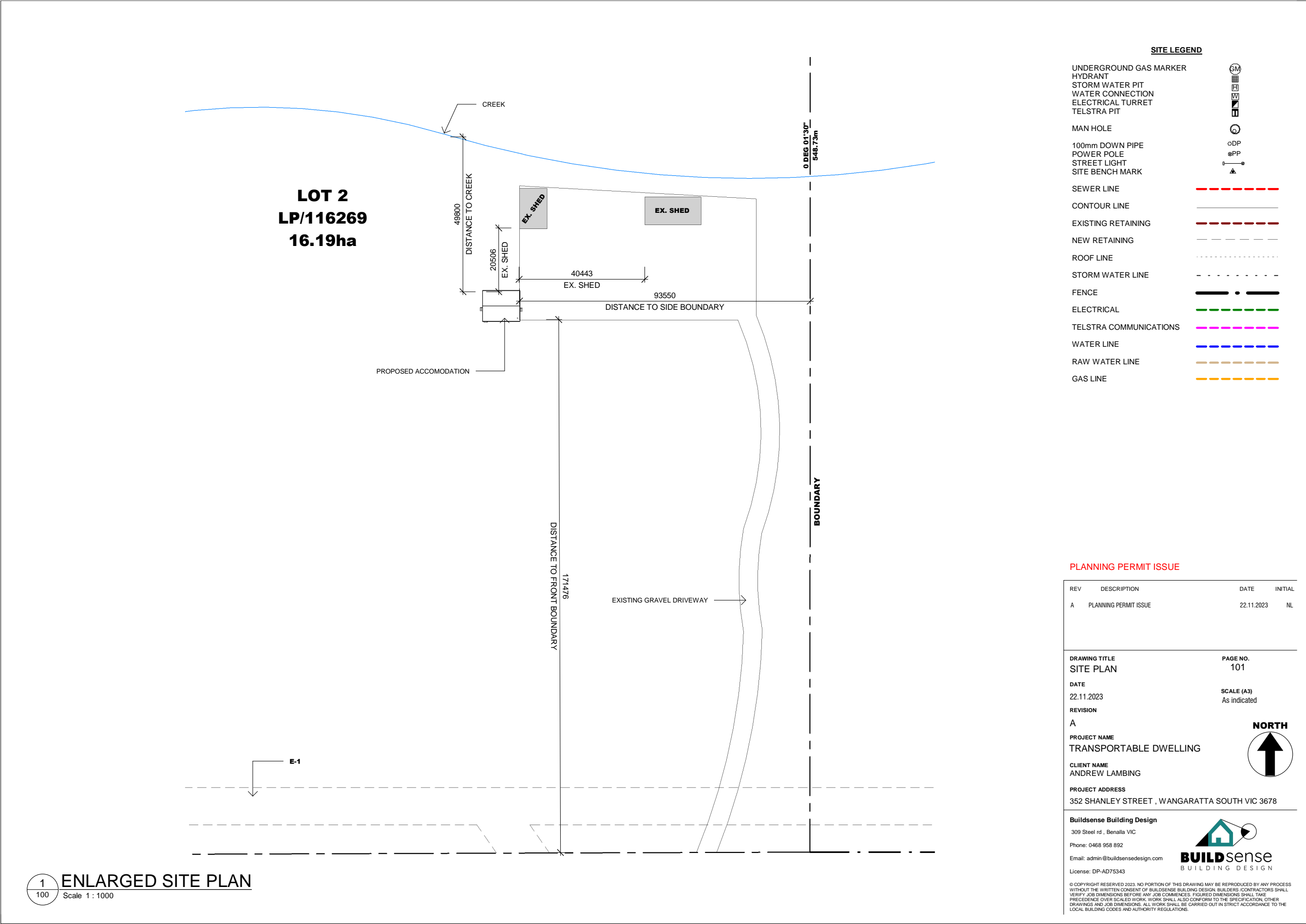
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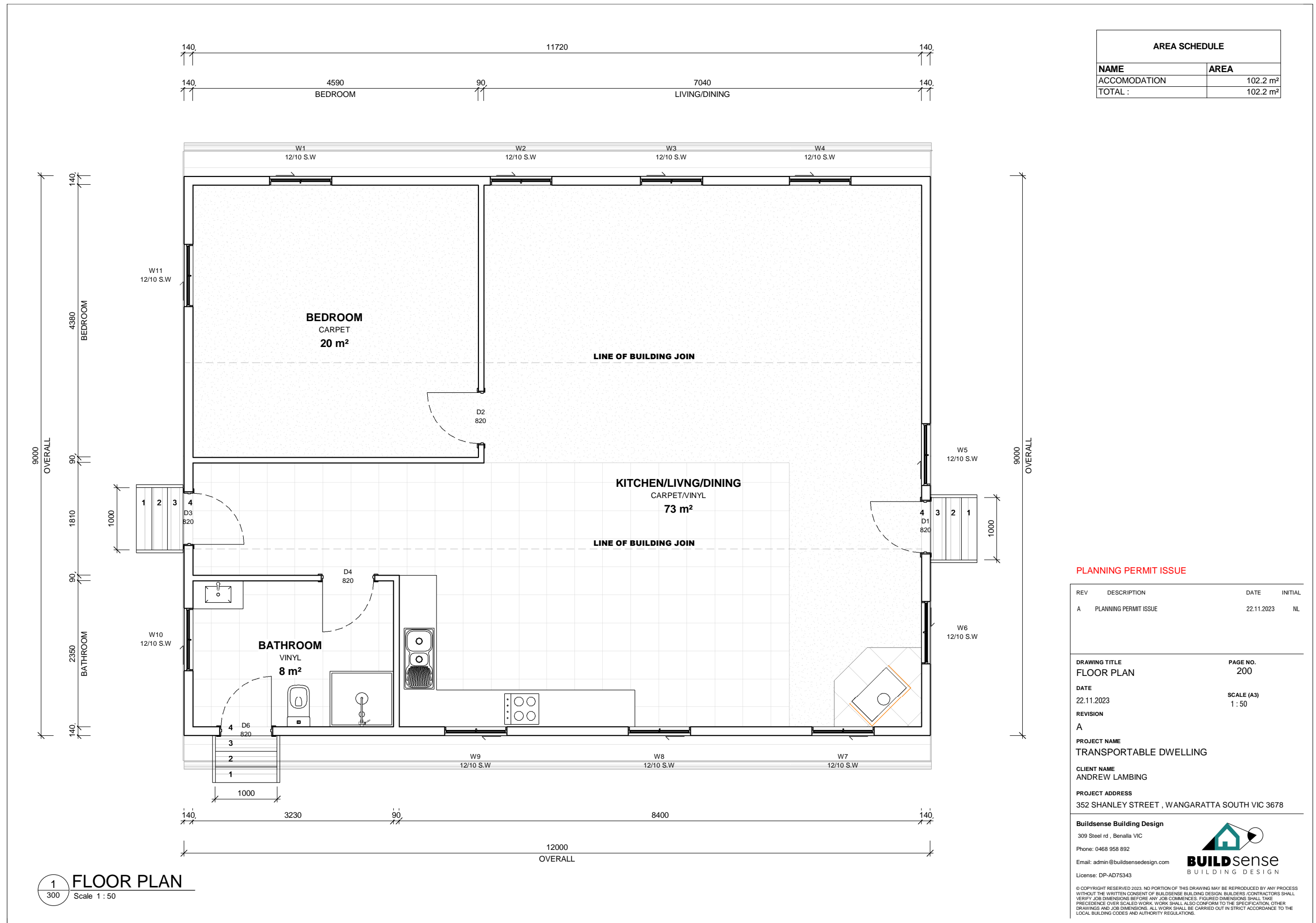
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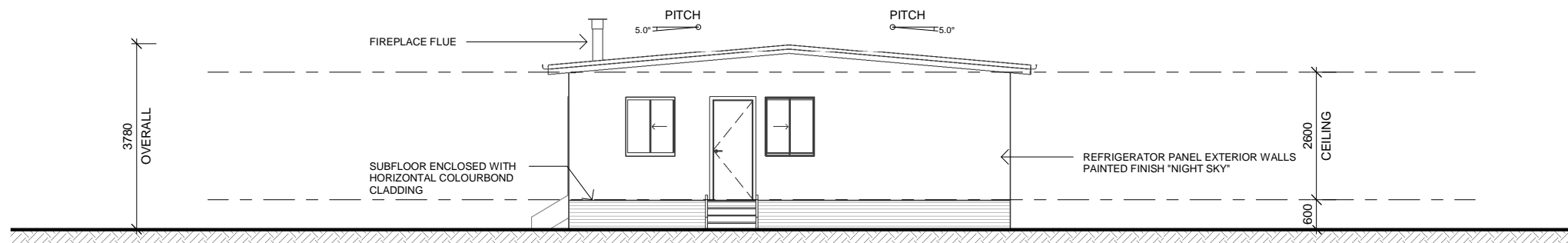


**1** **SITE PLAN**  
300 Scale 1 : 5000

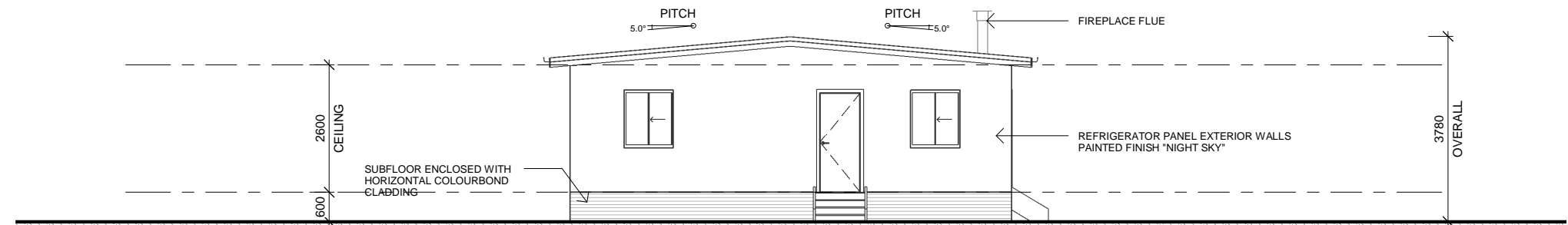








1 EAST ELEVATION  
Scale 1 : 100



2 WEST ELEVATION  
Scale 1 : 100

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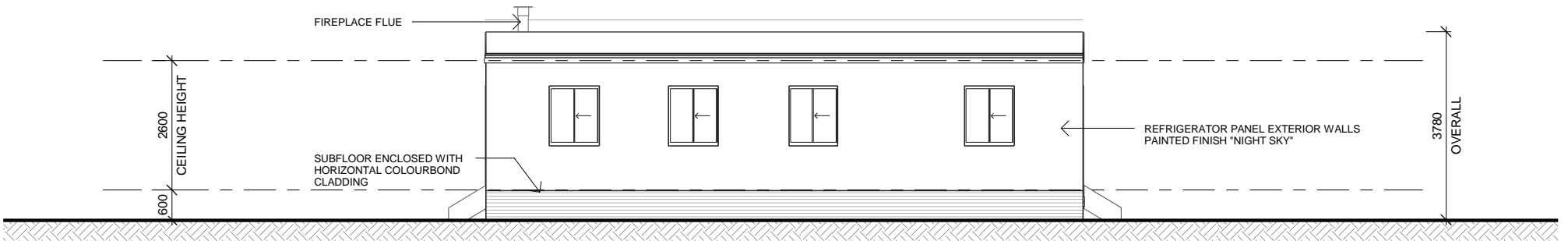
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A	PLANNING PERMIT ISSUE	22.11.2023	NL

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ELEVATIONS - SHEET 01	300
DATE	SCALE (A3)
22.11.2023	1 : 100
REVISION	
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PROJECT NAME	
TRANSPORTABLE DWELLING	
CLIENT NAME	
ANDREW LAMBING	
PROJECT ADDRESS	
352 SHANLEY STREET , WANGARATTA SOUTH VIC 3678	

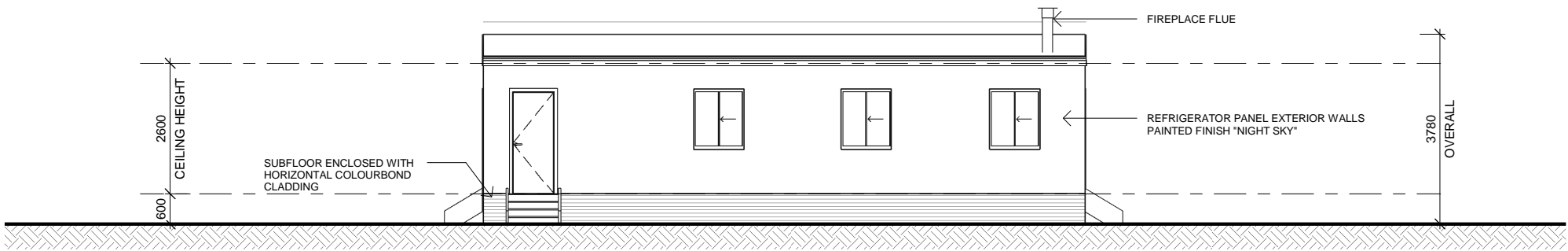
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1 NORTH ELEVATION  
Scale 1 : 100



2 SOUTH ELEVATION  
Scale 1 : 100

PLANNING PERMIT ISSUE

REV	DESCRIPTION	DATE	INITIAL
A	PLANNING PERMIT ISSUE	22.11.2023	NL

DRAWING TITLE	PAGE NO.
ELEVATIONS - SHEET 02	301
DATE	SCALE (A3)
22.11.2023	1 : 100
REVISION	
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PROJECT NAME	
TRANSPORTABLE DWELLING	
CLIENT NAME	
ANDREW LAMBING	
PROJECT ADDRESS	
352 SHANLEY STREET , WANGARATTA SOUTH VIC 3678	

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COLOUR SCHEDULE	
ROOF COLOUR	COLORBOND "NIGHT SKY"
EXTERNAL WALL COLOUR	COLORBOND "NIGHT SKY"
WINDOW COLOUR	COLORBOND "DOVER WHITE"
FASCIA & GUTTER	COLORBOND "NIGHT SKY"
EAVE LINING	PAINTED FINISH "WHITE"
DOWNPIPES	COLORBOND "NIGHT SKY"
SUBFLOOR MATERIAL	COLORBOND "NIGHT SKY"



PLANNING PERMIT ISSUE

REV	DESCRIPTION	DATE	INITIAL
A	PLANNING PERMIT ISSUE	22.11.2023	NL

DRAWING TITLE	PAGE NO.
3D VIEWS & COLOUR SCHEDULE	302
DATE	SCALE (A3)
22.11.2023	As indicated
REVISION	
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PROJECT NAME	
TRANSPORTABLE DWELLING	
CLIENT NAME	
ANDREW LAMBING	
PROJECT ADDRESS	
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DOOR SCHEDULE			
MARK	WIDTH	HEIGHT	DESCRIPTION
D1	820	2040	SOLID CORE ENTRY DOOR
D2	820	2040	HOLLOW CORE HINGED DOOR
D3	820	2040	SOLID CORE HINGED DOOR
D4	820	2040	HOLLOW CORE HINGED DOOR
D6	820	2040	SOLID CORE HINGED DOOR

WINDOW SCHEDULE						
MARK	LOCATION	HEIGHT	WIDTH	COMMENTS	SAFETY GLASS REQ	AREA
W1	BEDROOM	1200	1000	ALUMINIUM SINGLE GLAZED SLIDING GLASS WINDOW	NO	1.20 m²
W2	LIVING AREA	1200	1000	ALUMINIUM SINGLE GLAZED SLIDING GLASS WINDOW	NO	1.20 m²
W3	LIVING AREA	1200	1000	ALUMINIUM SINGLE GLAZED SLIDING GLASS WINDOW	NO	1.20 m²
W4	LIVING AREA	1200	1000	ALUMINIUM SINGLE GLAZED SLIDING GLASS WINDOW	NO	1.20 m²
W5	LIVING AREA	1200	1000	ALUMINIUM SINGLE GLAZED SLIDING GLASS WINDOW	NO	1.20 m²
W6	LIVING AREA	1200	1000	ALUMINIUM SINGLE GLAZED SLIDING GLASS WINDOW	NO	1.20 m²
W7	KITCHEN	1200	1000	ALUMINIUM SINGLE GLAZED SLIDING GLASS WINDOW	NO	1.20 m²
W8	KITCHEN	1200	1000	ALUMINIUM SINGLE GLAZED SLIDING GLASS WINDOW	NO	1.20 m²
W9	KITCHEN	1200	1000	ALUMINIUM SINGLE GLAZED SLIDING GLASS WINDOW	NO	1.20 m²
W10	BATHROOM	1200	1000	ALUMINIUM SINGLE GLAZED SLIDING GLASS WINDOW	NO	1.20 m²
W11	BEDROOM	1200	1000	ALUMINIUM SINGLE GLAZED SLIDING GLASS WINDOW	NO	1.20 m²
Grand total: 11						13.20 m²

PLANNING PERMIT ISSUE

REV	DESCRIPTION	DATE	INITIAL
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DRAWING TITLE	PAGE NO.
DOOR AND WINDOW SCHEDULE	303
DATE	SCALE (A3)
22.11.2023	NTS
REVISION	
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PROJECT NAME	
TRANSPORTABLE DWELLING	
CLIENT NAME	
ANDREW LAMBING	
PROJECT ADDRESS	
352 SHANLEY STREET , WANGARATTA SOUTH VIC 3678	

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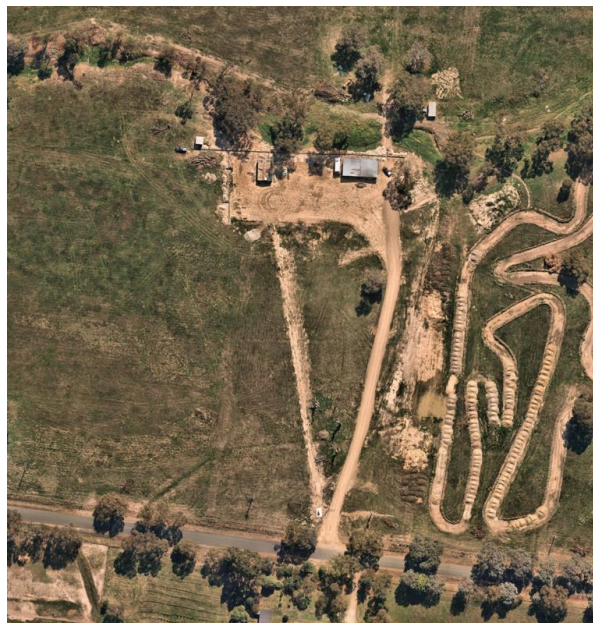
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## **Planning Report**

**Use & Development of land for a Rural Store and  
associated accommodation/office in the Farming Zone  
& within 100m of a waterway**

**352 Shanley Street, Wangaratta South  
(Lot 2 LP116269)**



Aerial photo of subject land (Source: Nearmap)

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## 1.0 **INTRODUCTION**

### **1.1 Use and Development of land for a rural store and associated accommodation/office in the FZ**

This report is prepared in support of a planning permit application seeking approval for the use and development of land for a rural store and associated accommodation/office in the Farming Zone. All buildings are within 100m of a waterway. The subject land (352 Shanley Street, Wangaratta South) is land developed with agricultural sheds. The land is mostly flat with a slight fall to the creek and east.

The use of land in the Farming Zone for a rural store under 100m<sup>2</sup> is a Section 1 use, permit not required. However, the accommodation/office is now ancillary to the rural store therefore the floor area of all buildings is now greater than 100m<sup>2</sup>.

Buildings and works within 100 metres of a waterway require planning approval.

This report addresses the provisions of the Wangaratta Planning Scheme, including the relevant Planning Policy Framework, purpose of the zone, overlays and decision guidelines.

### **1.2 The Proposal**

The proposed development comprises the construction of a 1-bedroom transportable cabin and office related to the current vermin control business Earthwise Vermin Control that already operates from the site. The accommodation is for the purpose of fatigue management as it provides workers who are working from dawn to dusk somewhere to get a few hours sleep after a night shift. The cabin is expected to accommodate between 4-8 people for sleeping.

Wastewater from the accommodation/office will be connected to the new proposed wastewater disposal system. A septic tank permit was issued by Council in December 2022, and this will be upgraded or augmented as required if the proposal receives planning consent.

The site is within range of mobile phone towers for communications.

Access to the accommodation/office is via an existing driveway from Shanley Street.

Refer to the plans below showing the proposed development and Appendix 2 for more details.



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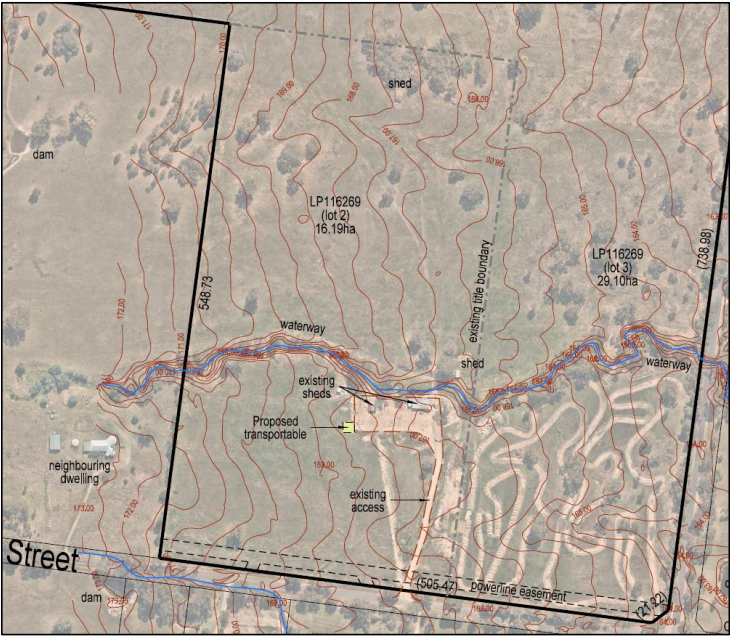


Fig. 1 – Site plan showing the proposed transportable, and existing sheds

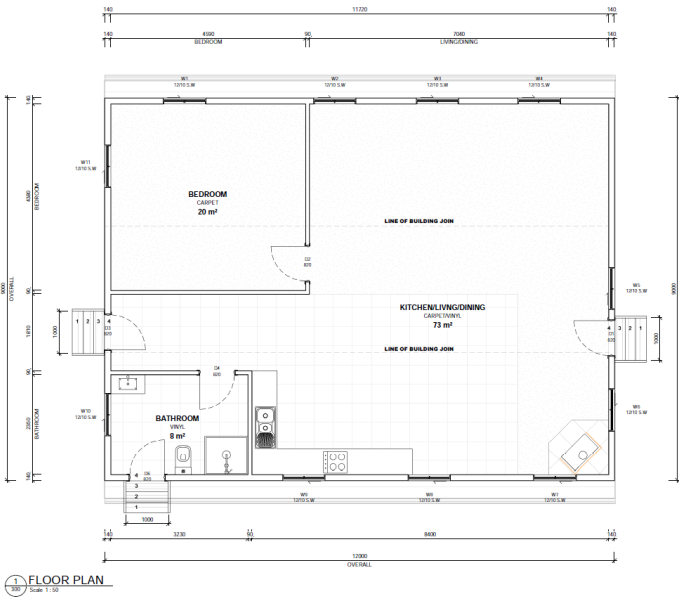


Fig. 2 – The proposed transportable accommodation/office – floor plan



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## 2.0 **SUBJECT SITE & LOCALITY**

The property is comprised of two titles of 16.19ha and 29.10ha in area and is located on the western side of Warby Range Road. The parcel descriptor for the land on which the development is to occur is Lot 2 PS116269 and the address is 352 Shanley Street, Wangaratta South.

The land is accessed from Shanley Street, which is a sealed road maintained by Rural City of Wangaratta.

To the north, south and west is farmland, to the east on the opposite side of Warby Range Road is rural living land. The urban area of Wangaratta is located further to the east of the property. The landscape is mainly flat in this area although the land rises to the west as it forms the foothills of the Warby Ranges. Immediate surrounds include land used for grazing and small scale lots with dwellings.

The land is divided into a number of paddocks and supports grazing of cattle. The land also contains three sheds and associated infrastructure. The existing rural store is used to store meat that is sourced by workers undertaking vermin control operation through the region.

Refer to site photos at **Appendix 5** for more details.



Fig. 3 – Locality Plan showing the subject land

A copy of the title is attached at **Appendix 1** and shows the land in the ownership of Angela & Andrew Lambing of Warby Range Stud 352 Shanley Street, Wangaratta There



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is one easement along the southern boundary of the lot. This is a 12-metre-wide electricity supply powerline easement. This does not affect the proposed development of the site.

### 3.0 **CULTURAL HERITAGE**

The subject land is not located within an area of identified Cultural Heritage Sensitivity. A Cultural Heritage Management Plan (CHMP), therefore is not required for this proposal. Refer attached CHMP checklist at **Appendix 3**.

### 4.0 **PLANNING ASSESSMENT**

The application is assessed against the following provisions of the Wangaratta Planning Scheme:

Section	Clause #	Provision
Zone		
	35.07	Farming Zone
Planning Policy Framework		
	02.03-4	Natural Resource Management
	14.01-1L	Protection of Agricultural Land
	14.01-2L	Sustainable Agricultural Land Use
Overlays		
	42.02	Vegetation Protection Overlay
	42.03	Significant Landscape Overlay
General Provisions		
	65	Decision Guidelines

#### 4.1 Zoning

##### ***Clause 35.07 Farming Zone***

The site is located within the Farming Zone (FZ) under the provisions of the Wangaratta Planning Scheme. Refer to Figure 4 below. Clause 35.07-1 of the FZ requires a planning permit for the use and development of land for a rural store over 100m<sup>2</sup>.

The purposes of the FZ are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*



NORTH EAST SURVEY DESIGN

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

The proposed transportable cabin will be ancillary to the existing rural store and is required for fatigue management purposes associated with the current vermin control business.

The rural store is a refrigerated store that is used to store the carcasses of animals killed during the operation of the business. The meat is transported offsite for sale through appropriate outlets. No sale of meat occurs on site currently.

The business provides an important service to surrounding rural areas where the control of pest animals is key to good environmental management.

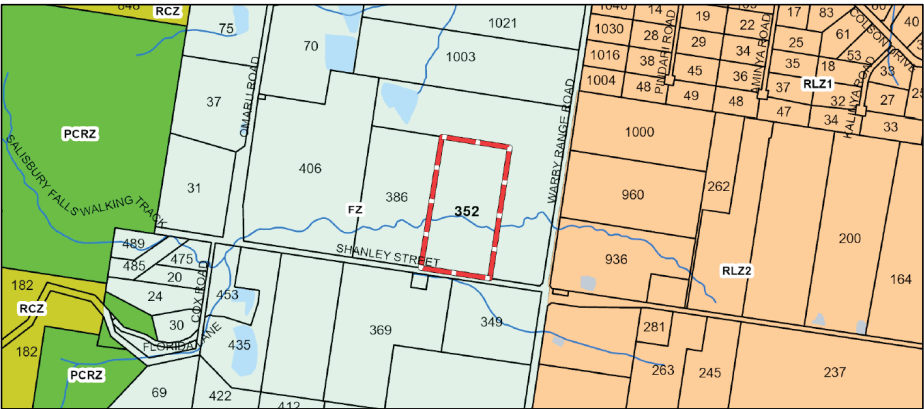


Fig. 4 – Zoning map showing the subject land in the FZ (red outline).

The following decision guidelines are applicable to the proposal;

Decision guideline	Response
<b>General Issues</b>	
<i>The State Planning Policy Framework and the Local Planning Policy</i>	An assessment of the proposal against these provisions is made in Section 4 of this Report.

Decision guideline	Response
<i>Framework, including the Municipal Strategic Statement and local planning policies.</i>	
<i>Any Regional Catchment Strategy</i>	The land is not within a Special Water Supply Catchment Area. The transportable will be connected to a new approved septic system with appropriately calculated effluent fields and adequate distances from waterways. Refer to the attached Septic Permit for more detail at <b>Appendix 4</b> .
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	<p>The transportable is a one-bedroom cabin that will also serve as an office space for the vermin control business. The dimensions of the building are 9m x 12m – totalling 108m<sup>2</sup> in floor area. The dwelling will be located over 150m from Shanley Street on a lot over 16 hectares in area.</p> <p>The proposal will not impact significantly on water quality noting the small scale of the development and adequate containment of wastewater.</p>
<i>How the use or development relates to sustainable land management.</i>	<p>The subject land is of good agricultural quality. The property supports the grazing of cattle, with carrying capacity varying depending upon the season.</p> <p>The use of the land for a rural store already takes place. The proposed transportable will be ancillary to the rural store and needed for the vermin control business for fatigue management purposes.</p>
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	<p>The proposed accommodation is required to support an existing rural business that requires workers to operate long hours throughout the night. The provision of a small cabin to allow workers to sleep, shower and rest between shifts or following long shifts is an appropriate use of the land.</p> <p>The proposal will not impact significantly on adjoining or nearby land which is currently used for grazing and rural lifestyle housing. The location of the proposed accommodation is central to the site ensuring maximum buffer distances to adjoining properties and nearby houses.</p> <p>There are three dwellings in proximity to the site, with separation distances ranging from 220-275 metres between the dwellings and the worker accommodation.</p>
<i>How the use and development makes use of existing infrastructure and services.</i>	Access to the site is from Shanley Street. There is a well-formed gravel track to the existing pad. The



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Decision guideline	Response
	site is within range of mobile phone towers for telecommunications.
<b>Agricultural issues and the impacts from non-agricultural uses</b>	
<i>Whether the use or development will support and enhance agricultural production.</i>	The proposed development will support agricultural production and sustainable land management by supporting a business closely associated with pest animal control. The owner plans to continue his rural store/vermin control operation.
<i>Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production. The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	The proposal will not limit the operation or expansion of adjoining agricultural activities. The surrounding land is mostly used for small scale grazing or rural lifestyle purposes. The transportable will be set back approximately 150 metres from the southern property boundary that fronts Shanley Street.
<i>The capacity of the site to sustain the agricultural use.</i>	The proposed development relates to agriculture. The proposed transportable accommodation/office is needed for fatigue management and will be ancillary to the existing rural store.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	The subject site is of good agricultural versatility. The land is used for grazing and a rural store associated with a vermin control business.
<i>Any integrated land management plan prepared for the site.</i>	There is no integrated land management plan for the land.
<b>Accommodation issues</b>	
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	The proposed transportable is essentially, a cabin for workers to stay for a few hours and catch up on sleep. The transportable will be ancillary to the existing rural store. As a transportable structure, it will be possible to remove the cabin from the land when it is no longer need for its current purpose.
<i>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</i>	No large-scale farming practises are undertaken on nearby properties. The transportable will be setback from the southern boundary by at least 150 metres.
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses</i>	Most land surrounding the subject site is small scale hobby farming. Intensive agricultural production is limited given the size of the lots.
<i>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</i>	The proposed accommodation/office is transportable and can be removed. This transportable will be ancillary to the existing rural store/vermin control business.



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Decision guideline	Response
<b>Environmental issues</b>	
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Soil and water quality on the site will be maintained. Rainwater from the roof will be collected in tanks to provide a water supply for the development and for firefighting purposes.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	No vegetation is proposed to be removed.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area</i>	No vegetation will need to be removed.  Revegetation of the property is not proposed.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	The new septic system will be located as far away as possible from the waterway and be constructed and maintained to Council requirements.
<b>Design and Siting Issues</b>	
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	The proposed transportable will be located on a level pad. The building will be close to the existing sheds. All buildings are easily accessible by a well-formed gravel track.  The transportable will be setback from the boundaries of the site and will not have an adverse impact on the use of adjacent land.
<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i>	The proposed buildings have been sited to limit their visibility from surrounding properties and roads. The buildings will be clad in materials of muted tones so that they blend with the surrounding landscape. Refer to the attached plans and elevations for details.
<i>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</i>	The proposed building will not stand out in the landscape given its small scale. The building will have a backdrop of vegetation along the waterway so that it will not stand out in the landscape. The cladding colour is black – this will blend well with the background landscape. There will be no risk of glint and glare from the proposal colours and materials.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage,</i>	The development will be accessed via an existing driveway from Shanley Street.



NORTH EAST SURVEY DESIGN



Decision guideline	Response
telecommunications and sewerage facilities.	The transportable will be connected to reticulated power. Water will be collected via tanks.
Whether the use and development will require traffic management measures.	Access to the development will be via a constructed internal track managed by the landowner.

## 4.2 Planning Policy Framework

### Clause 02.03-4 Natural Resource Management

In relation to agriculture, the following parts of Clause 02.03-4 are relevant to this proposal;

*‘The agricultural sector is a significant economic industry and social resource in the municipality. Parts of the Ovens River and King River valleys are rated as being of ‘very high’ agricultural versatility and the centre and northern sections of the municipality are rated as ‘high’ versatility.*

*Subdivision and housing in rural areas, including short-term tourist accommodation that is not associated with agricultural activities can potentially undermine the viability of the rural sector through loss of productive agricultural land, use of infrastructure and water that could be used for agricultural production, land values exceeding agricultural value and amenity impacts. Rural subdivision and housing have the potential to create demand for community and physical infrastructure that may be more efficiently provided in dedicated rural living areas.*

*Rural uses in rural areas operate on a ‘right to farm’ principle, allowing existing agricultural land uses to legally operate and continue irrespective of adjoining or nearby uses. Potential amenity impacts need to be minimised between agricultural uses and rural lifestyle uses, particularly in higher agricultural productivity and versatility areas.*

*The appearance of rural buildings is also important given the high visual quality of landscapes in the municipality.’*

Council seeks to protect the viability of agriculture by:

- *Maintaining the productivity and versatility of agricultural land, particularly in higher agricultural ‘versatility’ areas.*
- *Protecting the primacy of rural land for agricultural purposes.*
- *Minimising potential amenity impacts between agricultural uses and rural lifestyle uses.*

The proposed development is related to agricultural activities. The proposed accommodation/office will be ancillary to an existing rural store operated by ‘Earthwise Vermin Control’. The transportable is required for the workers who require somewhere to



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sleep after their night shift. Fatigue management is the main reason for this transportable. Very little will change as the land is already being used for the rural store business.

The addition of a transportable one-bedroom cabin will not impact on nearby dwellings or land. The building can be removed in the future. The transportable will be slightly over 100m<sup>2</sup>. The transportable will be set back at least 150 metres from all neighbouring properties and roads. The building will be located on a large, levelled gravel pad that will provide plenty of space for on-site car parking for workers.

***Clause 14.01-1L Protection of Agricultural Land***

The PPF has as its objective for protection of agricultural land;

- *To protect the state's agricultural base by preserving productive farmland.*

The following strategies are relevant to this proposal;

- *Identify areas of productive agricultural land, including land for primary production and intensive agriculture.*
- *Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.*
- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Protect productive farmland that is of strategic significance in the local or regional context.*
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use.*
- *Protect strategically important agricultural and primary production land from incompatible uses.*

In considering a proposal to use, subdivide or develop agricultural land, consider the:

- *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
- *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
- *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
- *Land capability.*



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- *Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.*

The proposed transportable accommodation/office is associated with an existing rural store and business 'Earthwise Vermin Control'. No agricultural land will be considered lost as a part of this proposal. The subject site is surrounded by farming land and rural living land to east. Given the agriculture business/rural store is an existing use there will be little change apart from the transportable cabin used for workers accommodation.

#### **Clause 14.2L Sustainable Agricultural Land Use**

The PPF has as its strategies for sustainable agricultural land use;

- *Protect the highly productive valley floors from development and land use that undermine the agricultural value of these areas, especially residential development.*
- *Recognise the environmental significance of remote rural areas and to protect from inappropriate development and land use.*
- *Encourage and support sustainable agricultural practices that are capable of increasing productivity levels.*
- *Promote emerging natural resource-based industries that support agricultural uses.*
- *Encourage well designed, sustainable industries that support agricultural uses that enhance the visual amenity of rural areas.*
- *Support the expansion of the horticultural industry.*
- *Support and encourage the expansion of the dairy industry, retaining larger lot sizes in core dairy areas.*
- *Facilitate the growth and expansion of farms, recognising industry requirements for incremental growth.*
- *Support sustainable agricultural industries that incorporate best management practice.*

The proposal aligns with these strategies as the land is zoned for farming where an existing agricultural activity already takes place.

The proposal is for a transportable 1-bedroom accommodation/office which will be ancillary to the existing rural store.

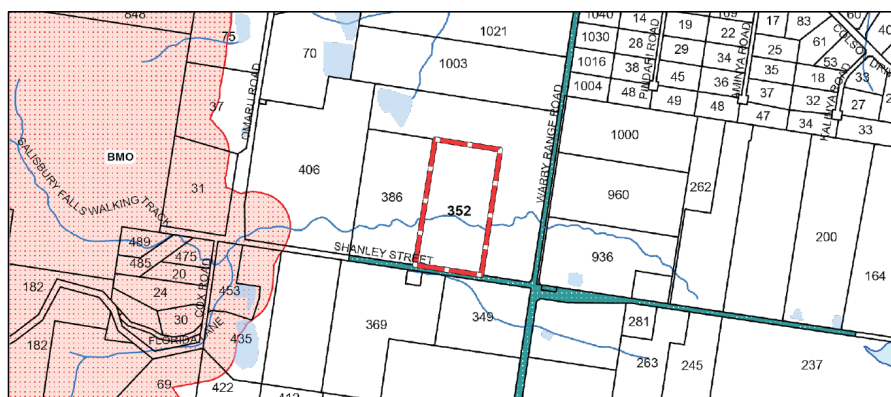


NORTH EAST SURVEY DESIGN

### 4.3 Overlays

**Clause 42.02 Vegetation Protection Overlay (VPO)**

Shanley Street is covered by the VPO in front of the property. No new access points are proposed.



*Fig. 5 - VPO along Shanley Street*

**Clause 42.03 Significant Landscape Overlay (SLO)**

The land is partially affected by the Significant Landscape Overlay (SLO1). No buildings are located in this area. As described already, the proposed building is small in scale, set against a backdrop of vegetation and constructed of dark tones to blend with the broader landscape.

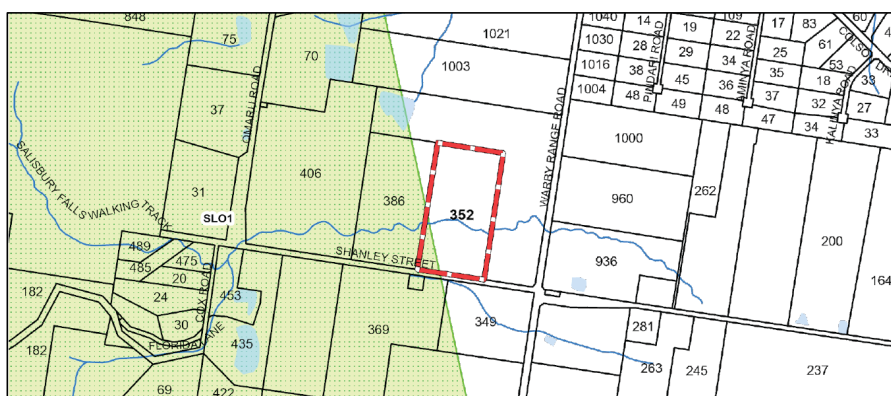


Fig. 6 – The subject land is partially in the Significant Landscape Overlay

#### 4.4 General Provisions

NORTH EAST SURVEY DESIGN

**Clause 65 Decision Guidelines**

Before deciding on an application, the responsible authority must consider, as appropriate:

- *The matters set out in section 60 of the Act.*
- *Any significant effects the environment, including the contamination of land, may have on the use or development.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*

Refer to the relevant sections of the planning report above.

- *The purpose of the zone, overlay or other provision.*

The zone allows the use and development of the land for a rural store and accommodation/office purposes to be considered by Council.

- *Any matter required to be considered in the zone, overlay or other provision.*

N/A.

- *The orderly planning of the area.*

The subject land is surrounded by land zoned for farming purposes, with rural living land further to the east. There are a number of dwellings in the vicinity of the subject site. The proposal is in keeping with the purposes and provisions of the Farming Zone by supporting the ongoing operation of a pest control business.

- *The effect on the environment, human health and amenity of the area.*

The proposed development will not significantly impact on the environment. The transportable will be sited on a constructed levelled building pad, well setback from roads and surrounding development so as to minimise the impact on the visual amenity of the area.

There will be no increase in traffic as a result of the accommodation being located on the site. There may be a small increase in traffic whilst the transportable is relocated there.

The proposed transportable will be connected to the new septic tank for which a permit has already been obtained.

- *The proximity of the land to any public land.*

The subject land is not close to public land.

- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*

As per the above, wastewater will be managed within the boundaries of the site and will not impact on water quality.



NORTH EAST SURVEY DESIGN

Earthworks will be required for the transportable pads. This is not considered to have a huge impact on land degradation or reduce water quality.

- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*

Stormwater from the roof of the building will be captured in tanks to provide a water supply for the development. Overflow will be directed towards the existing drainage lines. The density of the proposed development is small in the context of the site and the proposal will therefore have a little impact on stormwater quality.

- *The extent and character of native vegetation and the likelihood of its destruction.*

No native vegetation will be disturbed or removed for this development.

- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*

The proposal will not impact on native vegetation on the site.

- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

The area has potential to be impacted by fire during the summer months.

The site is not affected by flooding.

- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

No specific loading or unloading facilities are required.

- *The impact the use or development will have on the current and future development and operation of the transport system.*

The proposal does not impact on the transport system. There will be a slight increase in traffic along Shanley Street during the setting up of the accommodation.

## 5.0 **CONCLUSION**

The proposal is for the use and development of a rural store and associated accommodation/office on a farming lot, within 100m of a waterway.

No native vegetation will be removed from the site to facilitate the development. A new septic system will be installed to service the new accommodation/office and existing rural store operation.



NORTH EAST SURVEY DESIGN

It is considered that the proposed development is consistent with the Planning Policy Framework, and meets the purposes and provisions of the Farming Zone and Decision Guidelines.

This report leads to the following conclusions:

- The proposed accommodation/office on the land will not impact on adjacent land or reduce the amenity or agricultural capacity of surrounding properties.
- The proposed accommodation will support the ongoing operation of a vermin control business that, in turn, supports surrounding farms to operate in a sustainable manner.

It is therefore requested that a permit is issued, granting approval for the use and development of the subject land for a rural store and associated accommodation/office as outlined in this report and the submitted plans and reports.



NORTH EAST SURVEY DESIGN

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Our Ref: M8116

7 February 2024

Holly Sawyer  
 Planning Coordinator  
 Rural City of Wangaratta Council  
[planningmail@wangaratta.vic.gov.au](mailto:planningmail@wangaratta.vic.gov.au)

**Re: PInApp23/201 – Rural store and associated accommodation/office  
 352 Shanley Street Wangaratta South  
 Response to Objections**

I refer to the objections regarding the above application for planning permit. In response to the concerns/queries raised, we provide the following information below.

- No onsite processing will take place, the vermin is harvested from offsite and brought to the cool store/chiller box.
- Maximum length of stay for the contractors will be 12 hours.
- The approved septic system is adequately setback from waterways and has all necessary Council approvals.
- Buffer planting is planned to be undertaken in the future, along boundaries and existing gravel pad.
- The maximum number of contractors that could be accommodated on site at any one time is 6. Some contractors are local and do not require accommodation.
- The native vegetation removal and motorbike track are separate and irrelevant to this proposal, therefore will not be discussed any further in relation to this proposal.
- No new shedding is proposed only a transportable cabin, for the office and accommodation, which is the only proposed building forming part of this proposal.
- No hours can be put on this operation, it is dependent on weather/seasons and availability of contract work.
- All appropriate licenses have been obtained for this vermin control business to operate.
- Where the vermin is harvested from is confidential and irrelevant, this is happening on private land.
- The vermin control business associated with the rural store is already taking place, therefore there will be no increase in traffic, as the proposed accommodation is to house these contractors in relation to fatigue management.
- Little to no smell comes from the vermin, once transported to the site, they are hung in the chiller box/container.

I trust that the information contained in this letter adequately responds to the issues raised.

N:\NESD JOB DIRECTORY\M8116-PLANNING - 352 SHANLEY ST WANGARATTA SOUTH -  
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## Biannual audit and risk report

Period 1 July 2023 to 31 December 2023

### Objectives and scope

- (1) The Audit and Risk Committee (the Committee) is a Committee established by Council under section 53 of the *Local Government Act 2020* (the Act) on 25 August 2020 to undertake the following functions and responsibilities:
  - (a) monitor the compliance of Council policies and procedures with the overarching governance principles and the Act and the regulations and any Ministerial directions;
  - (b) monitor Council financial and performance reporting;
  - (c) monitor and provide advice on risk management and fraud prevention systems and controls;
  - (d) oversee internal and external audit functions.

### Membership

- (2) The Committee comprised 4 independent members and 2 Councillors.
- (3) The independent members were Mr Vito Giudice, Mr Gavan Nolan, Mr Matt Fagence and Ms Jane Watson.
- (4) The Councillor representatives were Deputy Mayor Cr Harry Bussell (until 28 November 2023) and Cr Jack Herry. Mayor Cr Dean Rees replaced Cr Harry Bussell as a councillor member of the Committee by Council resolution on 28 November 2023.
- (5) The chairperson was Mr Vito Giudice. Mr Giudice was unanimously endorsed by the Committee as Chairperson for a period of one year on 7 March 2023.

### Meetings

- (6) The Committee met 3 times during the period of 1 July 2023 – 31 December 2023:
  - (a) 8 August 2023
  - (b) 19 September 2023 (Special Meeting)
  - (c) 5 December 2023

### Attendance

- (7) The following table shows meeting attendance by members.

Member	8 August	19 September	5 December	Total
Ms Jane Watson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3/3
Mr Gavan Nolan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2/3
Mr Vito Giudice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3/3
Mr Matt Fagence	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3/3
Cr Jack Herry	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3/3
Deputy Mayor Cr Harry Bussell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	1/2
Mayor Cr Dean Rees	N/A	N/A	<input type="checkbox"/>	1/1

External audit

- (8) The Final Management Letter for the financial year ending 2023 was issued by VAGO on 11 October 2023. This Letter provided VAGO assurance over Council's 2022-23 Financial Report and Performance Statement.
- (9) The external audit actions due for completion during the period included:



Rural City of  
**Wangaratta**

Open item	Findings	Recommended management action
<b>2023.3</b>  Asset management system	It was identified in our review of Council's building valuation that Council's asset management system does not include building and infrastructure asset dimensions. Accurate dimensions in the asset management system is a key element for accurate financial reporting when assets use componentised costs to determine gross replacement cost.	We recommend management review their asset management system and the appropriateness of recording dimensions for componentised assets.  <b>31 December 2023</b>
<b>2019.8</b>  Excessive annual leave	During the year end audit we noted that the number of staff with excessive annual leave in excess of 300 hours had increased from 38 to 43.	We recommend Council continue to monitor leave balances and develop strategies to manage accrued leave balances over an appropriate period. If leave liabilities can be kept to a minimum the risks associated with such liabilities can be reduced.  <b>31 December 2023</b>

### Monitor compliance of policies and procedures

- (10) The Committee considered the Complaints Policy, Public Transparency Policy, Risk Management Policy, Public Interest Disclosure Policy during this period and provided a number of actions for policy development and improvement.

### Financial and performance reporting

- (11) The Committee reviewed the quarterly budget and performance reports.

### Risk management

- (12) The Committee considered Council's strategic and operational risks and were provided with an update on emerging sector risks during this period.
- (13) Complaints and Operational Health and Safety business risk presentations were provided during this period.
- (14) The Committee reviewed councillor expense reimbursements and CEO credit card expenses during the period.

### Internal audit

- (15) The following internal audit projects were completed:
- (a) Project Management
  - (b) Data Analytics – Supplier Payments
  - (c) Past Issues
- (16) Management implementation of internal audit actions is monitored and reviewed at each Committee meeting. Fourteen actions were due for completion during the period of 1 July –

31 December (five actions arising from the 2023 Business Continuity internal audit, one from the 2021 Contractor Management Review internal audit, one from the Environmental and Sustainability internal audit, six from the 2022 Fraud and Corruption Control internal audit and one from the 2018 IT security review internal audit).

- (17) Of these actions, two were completed and reported to the Committee during this period and the remaining twelve are recorded as off track as of the time of this report.
- (18) There were three Committee actions due for completion during this period, one of which was complete and reported to the Committee.



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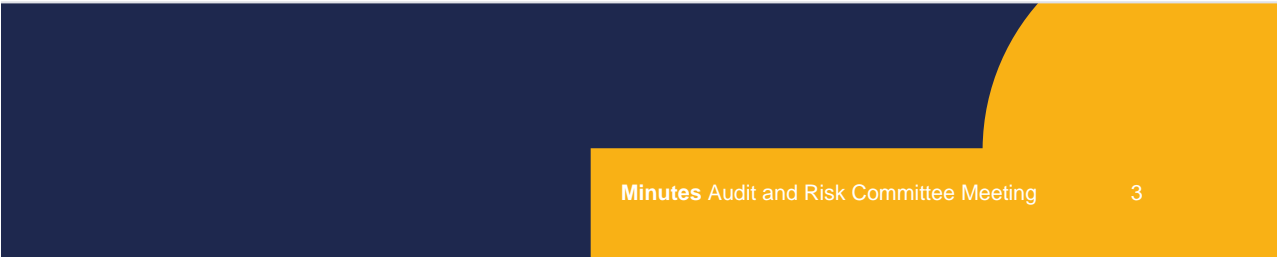
# Minutes

For the Audit and Risk Committee Meeting  
Warby Room, Municipal Offices  
62-68 Ovens Street, Wangaratta **5 December 2023**  
**3pm**

[wangaratta.vic.gov.au](http://wangaratta.vic.gov.au)







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## 1. Welcome

We acknowledged the traditional owners of the land on which we met. We paid our respects to their Elders past, present and emerging and to Elders from other communities who may have been here today.

## 2. Present/Absent/Apologies

### COMMITTEE MEMBERS PRESENT

Chairperson Mr Vito Giudice (virtually)

Member Mr Matt Fagence

Member Ms Jane Watson

### COUNCILLORS PRESENT

Cr Jack Herry

### AUDITORS PRESENT

Brad Ead – Internal Audit (virtually)

### STAFF MEMBERS PRESENT

Brendan McGrath – Chief Executive Officer

Sarah Brindley – Director Corporate and Leisure

Andrew Lovett – Interim Manager Finance and Corporate Planning and Governance Specialist

Zoe Giglio – Executive Assistant Corporate and Leisure (virtually)

### APOLOGIES

Cr. Dean Rees

Member Mr Gavan Nolan

Danielle Mackenzie – External Audit Crowe

## 3. Confirmation of Minutes

A motion that the Audit and Risk Committee read and confirmed the Minutes of the Audit and Risk Special Committee Meeting on 19 September 2023 as a true and accurate record of the proceedings of the meeting was moved by Independent Member Jane Watson and Independent Member Matt Fagence and CARRIED.

## 4. Conflict of Interest Disclosure

In accordance with sections 53 and 131 of the Local Government Act 2020 a member who has a conflict of interest in respect of a matter must disclose the conflict of interest in the manner required by the Council's Governance Rules and comply with the procedures specified in the Governance Rules.

Nil conflicts of interest were disclosed.

## 5. Reports

### 5.1 CEO, Strategic & Emerging Risks report

The Strategic Risk Register (**Attachment 1**) was reviewed by senior management and was attached for reference.

AFS and Associates provided an industry update (**Attachment 2**).

An update on an ongoing legal matter was included (**Attachment 3**) - see Confidential Attachments) and whilst there were no current, reportable compliance investigations involving Council that apply this quarter, an update was provided below regarding council's breach in meeting LGPRF reporting deadlines this year for transparency.

A motion that the Audit & Risk Committee noted the CEO, Strategic and Emerging Risks report was moved by Cr Jack Herry and Independent Member Matt Fagence and CARRIED.

#### Discussion

- *Council Management advised:*
  - *The seasonal outlook is hot and dry therefore fire risk is likely to be high. Relevant council officers have undertaken training for Municipal Emergency Management Officers (MEMO's) and Municipal Recovery Managers (MRM's).*
  - *Capital improvements have been made to the Wangaratta Showgrounds to increase its capacity as a regional relief space in the event of an emergency.*
  - *Council has noticed improvements in recruiting in the number and quality of candidates for various roles.*
  - *Enterprise Bargaining Agreement has been approved by Fairwork and implementation is underway.*
- **Independent Member Jane questioned Council management on bushfire preparedness and if more funding was available would Council be more proactive?** *Council management responded bushfire funding isn't as much of an issue. If Council was to receive funding for floods for example, additional work would be done on levees, drainage and physical infrastructure for protection of assets whereas in the bushfire space it's around annual proactive work that is done regardless i.e. maintenance of grassed areas Council is responsible for, staff trained for an opening of an incident control centre and work with local committees for places of last resort. Council also has its risk-based inspection program in process for urban properties (doesn't apply to rural communities) based on location and length of grass combustible materials.*
- **Councillor Jack Herry asked what visibility does Council have on the use of Artificial Intelligence and have we got any concerns around that?** *Management responded that there is no current visibility on that, however it has been included in the Terms of Reference for the upcoming information management audit for 2024.*
- *The committee discussed the letter from Minister regarding the missed LGPRF deadline and general frustration at the earlier deadline. Several Council's struggled to meet the deadline due to a lack of resources and VAGO also experienced resourcing issues. Council management commented it was frustrating that Council missed the deadline given prior year*

*deadlines being later, however will work on this for next year and publish its results on the website.*

## 5.2 Working with vulnerable people risk presentation

The Manager Community Services presented to the committee a summary of how Council works with Vulnerable people and associated risk mitigation strategies.

A motion that the Audit & Risk Committee noted the Working with vulnerable people risk presentation within the enclosed presentation report was moved by Independent Member Jane Watson and Cr. Jack Herry and CARRIED.

### Discussion

- Discussion occurred amongst Committee members regarding the Vulnerable Persons Register that is primary for police to use in an emergency. Council undertakes a 6 monthly update of the register ensuring the information is current and up to date by checking in with the Aged and Community Care Team. Primary Care Providers can populate and add people on to the register noting consent must be obtained from the person. The information is managed by those agencies. Suggestion was made to check in with Children's Services whether there are vulnerable families that could be added to the register. Discussion centred around linguistically diverse communities and how they are captured in the register. Council works with Northeast Multicultural Association. Additionally, a program through Gateway Health exists that covers the Ovens and Murray area called the Ovens and Murray Regional Area Partnership (OMRAP) that specifically works with these communities.*
- Cr. Jack Herry enquired how confident are we with the extended maternal child health service percentage of participation rates is this something we can track given our SEIFA scores?** Management responded that Council is notified of every birth noting it doesn't capture people moving to the area which is harder to track.

## 5.3 OHS Roadmap and Prioritisation

This report was presented to the Audit & Risk Committee and provided a brief on the proposed OHS Roadmap and prioritised actions resulting from the recommendations of the Occupational Health and Safety (OHS) Healthcheck conducted for the Rural City of Wangaratta by BL Management Consultants.

A motion that the Audit & Risk Committee noted the findings of the independent OHS Healthcheck, receives the OHS Roadmap and prioritisation summary within the enclosed presentation and provides any feedback or advice was moved by Cr Jack Herry and Independent Member Jane Watson and CARRIED.

### Discussion

- Chairperson Vito requested a report for noting to future Audit and Risk Committee meetings on the monitoring and progression on this item.*

**Action**

- *Executive management monthly minutes to be attached to future Audit and Risk Committee agendas to form part of regular reporting for noting.*

**5.4 Public Interest Disclosure Policy Compliance Analysis**

Under section 54(2)(a) of the *Local Government Act 2020* (Vic), Council's Audit and Risk Committee must have had oversight over Council's policies to ensure each policy satisfies the key principles of the *Local Government Act 2020* (Vic), including the overarching governance principles, any associated Regulations or Ministerial Directions. A compliance analysis of Council's Public Interest Disclosure Policy 2023 had been conducted and the results followed.

**Recommendation:**

A motion that the Audit & Risk Committee noted the Public Interest Disclosure Policy Compliance Analysis was moved by Independent Member Jane Watson and Cr. Jack Herry and CARRIED.

**Discussion**

- *Chairperson Vito suggested for consistency to articulate the roles and responsibilities various committees have in section 4 of the policy and similarly in the risk policy framework for further clarity.*

**5.5 Committee Action Items and Annual Work Plan**

This report provided the newly consolidated audit action status update, as requested by the Committee.

A motion that the Audit & Risk Committee noted the exceptions to the Committee's Annual Work Plan; and notes the completion and closure of audit actions 85, 119, 126, 140, 141, 142, 182, 183, 184, 185, 188 and accepts the extension of deadlines for actions 69, 106, 107, 121, 154 was moved by Independent Member Jane Watson and Cr Jack Herry and CARRIED.

**Discussion**

- *Independent Member Jane Watson enquired in relation to the overdue Business Continuity Disaster Recovery Audit – what has happened with this item? The Corporate Governance and Planning specialist advised that the training material had been developed and ready to roll out across the organisation through the Learning Management System. Due to the Learning and Development Advisor leaving the organisation, we've been unable to progress any further. We are waiting on a new advisor to be appointed or alternatively we will train relevant people through the Governance team.*
- *Chairperson Vito commented on the Terms of Reference for the committee and asked how often a review is undertaken and if it was required be reflected in the workplan. Corporate Planning and Governance Specialist to investigate and advise.*

## 5.6 Internal Audit Program

Council's internal auditor AFS and Associates sent through the updated internal audit program and was considered by the Committee (**Attachment 1**). This included upcoming audits on Data Analytics – Payroll and Asset Management.

A motion that the Audit & Risk Committee endorsed the updated internal audit program was moved by Independent Member Jane Watson and Independent Member Matt Fagence and CARRIED.

### Discussion

- *Discussion was held on the previous update provided to the committee from the Manager Customer Service and Digital Transformation services on the cyber security training program and PEN testing completed within the organisation.*

### Action

- *Recommendation from Chairperson Vito to include IT controls and Cyber Security PEN testing as part of internal audit work program.*

## 5.7 Data Analytics - Supplier Payments Internal Audit Final Report

This report was presented to the Audit and Risk Committee and noted the findings presented in the final report of the Project Management Internal Audit conducted by Council's internal auditors AFS and Associates.

A motion that the Audit & Risk Committee noted the findings and actions arisen in the Data Analytics – Supplier Payments Internal Audit Final Report was moved by Independent Member Jane Watson and Independent Member Matt Fagence and CARRIED.

### Discussion

- *Discussion from the Committee occurred on the internal audit and findings. Council management responded and acknowledged that the migration of data to the cloud-based system during the time of the audit added to the challenge of meeting the supplying the relevant data on time. All items have been added into audit action tracker to monitor. Since the completion of the audit, the Finance team have made significant improvements in controls have been noted already. By the next audit meeting we are confident we will be able to close some more of those items.*
- *Independent member Jane Watson noted some concern around Suppliers and reimbursement of staff for GST purposes. Management advised that employee reimbursements had been split out of that process, acknowledging more work will need to be done.*
- ***Independent Member Jane Watson asked does the Audit and Risk Committee see any Procurement reporting?** Management responded, there is no reporting currently to the Audit and Risk meeting, however recently a suite of Procurement reporting has been*

*developed for our executive management team. Cr Herry added that Councillors do see reports for procurement that has been undertaken through delegation.*

- ***Independent Member Matt Fagence enquired in relation to the payment of the business owned by a council employee. Are Council comfortable on the probity processes that were used for the selection of their business to undertake council business and were conflicts of interest considered?*** Internal auditor Brad Ead responded no probity of the procurement was investigated for this case.

#### **Action**

- *Undertake a follow up audit on past issues audit to confirm recommendations implemented or addressed June / July 2024 work with the internal auditor offline and e-mail around a proposed audit date.*
- *Provide Procurement reporting to next ARC meeting on progress with audit actions and key supplier metrics. Provide assurance regarding past payment to employee that appropriate probity procurement processes in place.*

### **5.8 Past Issues Internal Audit - Final Report**

This report was presented to the Audit and Risk Committee and noted the findings presented in the Past Issues Review – Final Report.

A motion that the Audit & Risk Committee noted the finding for the past issues review internal audit report was moved by Independent Member Matt Fagence and Jane Watson and CARRIED.

### **5.9 2022/23 Management Letter & External Audit Action Status**

The Final Management Letter (**Attachment 1**) had been finalised since the last committee meeting noting:

- Resolution of three prior period issues
- Carry over of three prior period issues
- Three new items to be added to the audit actions register

A motion that the Audit & Risk Committee noted the 2022/2023 Final Management Letter and External Audit Actions Status was moved by Independent Member Jane Watson and Independent Member Matt Fagence and CARRIED.

### **5.10 Annual Committee Performance Assessment - Results**

This report was presented to the Audit and Risk Committee who reviewed the results of the Annual Committee Performance Assessment survey.



This assessment was conducted by a survey which was circulated to members of the Committee separately.

A motion that the Audit & Risk Committee noted the results of the Annual Performance Assessment was moved by Independent Member Matt Fagence and Independent Member Jane Watson and CARRIED.

#### Discussion

- *The committee outlined suggestions moving forward for the future Audit and Risk meetings and future reporting considerations.*

#### Action

- *Corporate Planning and Governance Specialist to meet with Chairperson Vito offline to finalise actions and deadlines.*

### 5.11 2024 Annual Work Program and Meeting Schedule

This report was presented to the Audit and Risk Committee to adopt the proposed 2024 Audit and Risk Committee Annual Work Plan and Meeting Schedule.

A motion that the Audit & Risk Committee endorsed the proposed 2024 Audit and Risk Committee Annual Work Plan; advised on any operational areas they would like to receive future 'risk presentations' on; and endorsed the proposed meeting schedule for 2024 was moved by Independent Member Matt Fagence and Cr. Jack Herry and CARRIED.

#### Action

- *Risk presentation topics to be incorporated into the 2024 workplan included Procurement to be scheduled for the first meeting in March 2024, followed by Cyber security, PEN testing updates and Climate Change.*
- *ARC Charter to be added to the workplan with Terms of Reference to be reviewed and adopted by August 2024.*
- *Reschedule meeting scheduled for December 2024 to alternative date.*

### 5.12 Quarter 1 Finance Report and Aged Debtor Status

This report was presented to the Audit and Risk Committee and provided an update of Council's year to date financial performance and projected full year financial position.

A motion that the Audit & Risk Committee received and noted the :

1. 2023/24 Quarter 1 Forecast Review, including:
  - a. The decrease to accounting surplus by \$584k to \$9.64m;
  - b. The increase to capital works expenditure by \$2.97m to \$35.43m.

2. The status of Aged Debtors as at 30 September 2023 was moved by Independent Member Jane Watson and Independent Member Matt Fagence and CARRIED.

### 5.13 Councillor and CEO expenses

Councillor reimbursements had been made for appropriate purposes in accordance with Council policy.

CEO credit card expenditure had been made for appropriate purposes.

A motion that the Audit & Risk Committee noted the Councillor and CEO expenses report was moved by Independent Member Jane Watson and Independent Member Matt Fagence and CARRIED.

#### Discussion

- *Director Sarah Brindley advised the committee that following the November Scheduled Council meeting, Councillor Dean Rees had been re-elected for a final term as Mayor and Councillor Harvey Benton had been appointed as Deputy Mayor.*
- *Discussion followed on Councillor training and consideration of a training program. Council management advised that a training budget allocation has been available for councillors to access as part of their training.*

### 5.14 Council Plan Performance - Quarter 1 (2023-24)

This report was to present the quarter 1 Council Plan Strategic Indicators and Actions update for 2023/24.

A motion that the Audit & Risk Committee noted the Council Plan Performance Quarter 1 2023-24 report was moved by Independent Member Matt Fagence and Cr. Jack Herry and CARRIED.

### 5.15 Risk Management Policy and Framework and Operational Risk Register

This report was presented to the Audit and Risk Committee and presented a revised Risk Management Policy and Risk Policy Framework for recommendation to Council endorsement and a summary of Council's Operational Risk Register.

A motion that the Audit & Risk Committee held over a decision on the Risk Management Framework and Risk Management Policy and recommended the Policy's presentation to Council for formal endorsement; and noted the Operational Risk Register update was moved by Independent Member Jane Watson and Independent Member Matt Fagence and CARRIED.

## Action

- Chairperson Vito provided additional commentary to council officers.

## 6. Other Business

*On behalf of the Audit and Risk Committee Vito thanked outgoing Audit and Risk Committee Member Councillor Harry Bussell for his services to the Audit and Risk Committee.*

## 7. Next Meeting

Tuesday 5, March 2024.

## 8. Closure of Meeting

The meeting closed at 5:05pm.



# Minutes

## Sport and Recreation Advisory Committee

4.30 – 5:30pm Wednesday 6 December 2023

Cobbler Room, Ovens St, Rural City of Wangaratta

### Attendees

Cr Harvey Benton, Ben Thomas, Denise Pirko, Kirsty Branagan, Zac Hedin, Rodney Dean, Marg Christensen, Daniel Warner, Sue Geals

### Guests

Maurie Braden, Alicia Canning

### Apologies

Jacob Schonafinger (invited guest), Allison Allen (invited guest), Cr Harry Bussell, Russell Canning, Mick Wilson

Agenda Item	Minutes
<b>1. Present</b> <ul style="list-style-type: none"><li>Apologies</li><li>Conflict of Interest Declarations</li></ul>	<b>1.1.</b> Recommendation that apologies be accepted: <ul style="list-style-type: none"><li>Moved – Rodney Dean</li><li>Seconded – Zac Hedin</li><li>Carried.</li></ul> <b>1.2.</b> Conflict of Interest – Harvey declared relation to Alicia Canning <b>1.3.</b> Welcome to guests – Maurie Braden and Alicia Canning. Also brief introduction of Jacob Schonafinger and Allison Allen who were invited, but apologies. These four community members are awaiting endorsement at the December Council meeting, to become committee members.
<b>2. Previous Meeting</b>	<b>2.1</b> Recommendation that minutes of the previous meeting be accepted:

Agenda Item	Minutes
<ul style="list-style-type: none"> <li>Minutes of previous meeting (attached below).</li> <li>Business Arising</li> </ul>	<ul style="list-style-type: none"> <li>Moved – Daniel Warner</li> <li>Seconded – Rodney Dean</li> <li>Carried</li> </ul>
<b>3. Project Updates</b> Presentation	<b>3.1 – Presentation</b> <ul style="list-style-type: none"> <li>Presentation attached to minutes.</li> <li>Questions around South Wangaratta Masterplan, and if hockey will be included, or if it duplicates work on where soccer will go. Clr Benton clarified the purpose, and that this will be guided by the Recreation and Open Space Strategy for the future users at the site.</li> </ul>
<b>4. Fair Access Policy</b> <ul style="list-style-type: none"> <li>Review of Draft Policies</li> <li>Review and input for action plan</li> <li>Next steps</li> </ul>	<b>4.1 – Presentation</b> <ul style="list-style-type: none"> <li>Presentation attached to minutes.</li> <li>Things don't need to be actioned now, this is a plan to work to.</li> <li>Feedback to be given by 11 Jan 2024.</li> <li>Principle 1 – Consider logos, trophies, letterhead and other places representation may be overlooked. (SG)</li> <li>Principle 2 – no comment</li> <li>Principle 3 – Look at wording, some sports automatically preference women (DW) Note that historical usage is not a guarantee (RD)</li> <li>Principle 4 – Can vary from sport to sport. Baseline data from club development survey will assist with this. - The Centre offers this training annually (SG)</li> <li>Principle 5 – no comment</li> <li>Principle 6 – Q – How would commitment be gauged? (DW) Attendance at training, commitment to planning sessions, etc.</li> <li>Outlined process for engagement and timelines for Fair Access.</li> </ul>
<b>5. Other Business</b> <ul style="list-style-type: none"> <li></li> </ul>	<b>5.1 –</b> <ul style="list-style-type: none"> <li><b>None</b></li> </ul>

Sports and Recreation Advisory Committee3

Agenda Item	Minutes
Meeting Closed 5:39 pm	Next Meeting: February – Date to be advised. Location - WSAC

Action Plan

Action	Responsible	By When	Status
Look into the February SRAC meeting at WSAC	K Branagan	30 Jan 2023	Open
K Branagan to make a time to meet with Z Hedin separately to discuss Fair Access and the implications for AFL.	K Branagan	20 Dec 2023	Open
SRAC Members to provide feedback to the Fair Access Action Plan by 11 Jan 2024	All	11 Jan 2024	Open



# Minutes

**Sport and Recreation Advisory Committee**  
**4.30 – 5:30pm Wednesday 7 February 2024**  
**HP Barr Community Centre and Wangaratta Sports and Aquatic Centre, Rural City of Wangaratta**

**Attendees**  
Cr Harvey Benton, Kirsty Branagan, Russell Canning, Zac Hedin, Mick Wilson, Rodney Dean, Marg Christensen, Daniel Warner, Sue Geals, Maurie Braden, Alicia Canning, Jacob Schonafinger, Allison Allen

**Guests**  
Allan Thrum (WSAC Redevelopment Project Manager), Celia Piesse (WSAC Aquatic and Health Program Coordinator)

**Apologies**  
Cr Harry Bussell, Ben Thomas, Denise Pirko, Zac Hedin, Mick Wilson, Sonya Dalglish (WSAC Manager)

Agenda Item	Minutes
<b>1. Meeting Introduction</b> (Chair) <ul style="list-style-type: none"><li>• Present</li><li>• Apologies</li><li>• Conflict of Interest Declarations</li><li>• Welcome to new committee members</li><li>• Welcome to guests</li></ul>	<b>1.1.</b> Recommendation that apologies be accepted: <ul style="list-style-type: none"><li>• Moved – Rodney Dean</li><li>• Seconded – Daniel Warner</li><li>• Carried.</li></ul> <b>1.2.</b> Conflict of Interest – Nil <b>1.3.</b> Welcome to new committee members <b>1.4.</b> Welcome to guests – Allan Thrum and Celia Piesse.



Agenda Item	Minutes
<b>2. Previous Meeting</b>	<p><b>2.1</b> Recommendation that minutes of the previous meeting be accepted:</p> <ul style="list-style-type: none"> <li>• Note that headings need to be amended</li> <li>• Moved – Rodney Dean</li> <li>• Seconded – Daniel Warner</li> <li>• Carried</li> </ul>
<p><b>3. Project Updates</b></p> <ul style="list-style-type: none"> <li>• Fair Access Policy</li> <li>• Recreation and Open Space</li> </ul>	<p><b>3.1 – Project Updates</b></p> <ul style="list-style-type: none"> <li>• Fair Access Policy going to February Council meeting for endorsement for public exhibition. Exhibition will be for 28 days. On track for adoption well ahead of July 1 2024 deadline. The Office for Women in Sport and Recreation are very impressed with our process and the development so far. They have recommended a number of local councils reach out to us for guidance.</li> <li>• Recreation and Open Space Strategy exhibition finishes on February 15. Drop in sessions have been held this week which were well attended. Anticipate final strategy being adopted at April meeting.</li> </ul>
<p><b>4. WSAC Construction Project (Allan Thrum)</b></p> <ul style="list-style-type: none"> <li>• Project update and tour for WSAC Redevelopment</li> </ul>	<p><b>4.1 – Update and Tour</b></p> <ul style="list-style-type: none"> <li>• Flooring delays have been experienced due to downtime and the flow on impacts.</li> <li>• Costs have been managed well. A small escalation for future proofing of amenities</li> <li>• Market has re-set post Covid</li> <li>• Builder due to be finished by Easter, followed by line marking and backboards</li> <li>• The building is secure, all walls and doors are lockable.</li> <li>• Tour undertaken with detailed discussion</li> </ul>
<b>5. Other Business</b>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>
<b>Meeting Closed 5.30 pm</b>	Next Meeting: 1 May 2024. Location - TBC

Sports and Recreation Advisory Committee3

Action Plan

Action	Responsible	By When	Status



Rural City of  
**Wangaratta**

# Minutes

## Arts and Culture Advisory Committee Meeting

5:30pm Monday 5 February 2024

Community Room | Wangaratta Library, 21 Docker Street, Wangaratta

### Attendees

Cr Irene Grant, Cr Dave Fuller

Pam Procter, Paddy Milne (Teams), Margaret Pullen, Margaret Brickhill, Rachel Vallender, Fran O'Neil (Teams)

### Council Officers

Tanya Camplin, Acting Manager Arts, Culture and Events  
Simone Nolan, Acting Director Sustainability and Culture  
Loueen Twyford, Wangaratta Library Coordinator  
Rachel Harrop, Youth Development Officer

### Chair – Cr Dave Fuller

- **Apologies**

Stephen Swart, Director Sustainability and Culture  
Elisha Naish, Events and Attractions Coordinator  
Rachel Arndt, Wangaratta Gallery Director  
Brady Sharp, Youth Resilience Coordinator  
Tim Dickinson  
Bev Lipscombe  
Marc Bongers

- **Conflict of Interest Declarations**

Not applicable

### Welcome

Acknowledgment

Agenda Item	Time
<b>1. Previous Minutes - Cr Fuller</b> <ul style="list-style-type: none"><li>Review of previous minutes (none taken due to end of year celebration dinner)</li><li>Business arising / actions from previous minutes (October 2023)</li><li>Accept previous minutes.</li></ul>	5:30pm – 5:45pm
<b>2. Library Overview – Loueen Twyford</b> <ul style="list-style-type: none"><li>Update on Library Services Delivery</li><li>Annual program overview</li><li>Refer to attached presentation</li></ul>	5:45 – 6:00pm

**3. Conversation: How do we grow arts & culture in our community? – Cr Fuller & Cr Grant** 6:00pm – 7:00pm

- **What is arts & culture in the Rural City of Wangaratta?**
- **What can we do now to growing arts & culture in our community?**
- **Building relationships and advocacy with other arts organisations**
- **How do we add value to existing activities?**

**Committee Connections**

- Marg Pullen – Shed crew at Pam's, member of Worragee Felters (any form of art or textile works) contributes to displays, North Wang sculpture trail, North Wang storyboards. Beautifying streetscapes is a point of difference and try and develop more of those areas including a sculpture walk and murals in another area
- Simone – Cultural & Heritage Advisory Committee in Alpine Shire (2 locals and industry professionals) Council's Cultural Officer (role no longer exists) used to keep a directory of all the different arts & cultural groups in RCOW. RCOW have Cultural Officer role in projection for future work plan (Historically Maz, Justine, Kellie). No local Regional Arts Vic representative. Kathy Whelan has been lobbying RAV
- Rach – youth focus, live music, find talent via battle or the bands and social media, Kool Schools through Wang High School
- Lou – Wang & District Heritage network (has been in hiatus since covid), Wangaratta Family history group
- Pam – growth & development of railway precinct planting, U3A sessions, Friends of the Gallery, Public Art Committee, Landcare, Electrify Wangaratta, Keen Knitter Saturday Knitting group. Need to promote Warbys more and not that Wangaratta is just a gateway but a place to stop, explore and enjoy
- Rach – Oxley & King Valley Tourism and Grape Growing Groups. Professional – Regional level - Murray Arts based in Albury (don't service Wangaratta). State Levels – difference between NSW & Vic, NSW focus on Cultural Tourism and funding through Visit NSW

## ACAC Committee Agenda

October 2023

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- Irene – encourage local arts groups to access local & state funding, need to work with each other and not in isolation to support and grow cultural activities and events in RCOW, NSW arts tourism very evident in regional NSW. Community members interested in historical storyboards. Faithful St town square activation. What is Wangarattas point of difference? Losing sight of the textile history and multiculturalism of the community
- Fran – King Valley Arts Association, practising artist, RCOW Public Art Aquisition Committee
- Dave – car clubs, show & shines, LOST Wangaratta FB Page, new Council Connect website launch photography competition – what their Wangaratta looks like
- Tanya – new Live Action Role Play group, primary & secondary schools, local dance schools, Wang Players, Wang Studio of Drama, Eisteddfods & Competitions – Dance/Troupes/Piano, local artists – Community Engagement/Cultural Partnerships.

ACAC Committee Agenda  
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**ACTION** – Committee to look at other groups to be included in the Wangaratta Community Directory (NE Media)

**ACTION** – Taya to circulate Wangaratta Project Masterplan document 7:00pm – 7:10pm to the committee. Township plans – Oxley Plan, Nth Wang Plan, Glenrowan Plan

**ACTION** – map your connections in arts & culture groups/individuals to create a network and details for community directory to bring back to the next meeting – share current link

**ACTION** – Arts & Culture Strategy – hasn't been updated since 2012, wasn't submitted as a project this year due to other competing priorities

**ACTION** – Indigo Shire new Creative Strategy, review and advocate for RCOW Arts & Culture Strategy. What role can the committee have in this? Cr Fuller & Cr Grant to bring a motion from the committee to bring the conversation to Councillors:

**Motion:** Recommendation from the committee to bring forward the conversation at Councillors and Officer level as to how we can best support the funding and development of an Arts & Culture Strategy project for the 24/25 budget.

**Moved:** Pam Procter / **Seconded:** Marg Pullen

**4. General ACE Update – Tanya Camplin**

- Presentation of Business Unit Report
- Highlights from Report
- Creative Precinct Detailed Design
  - Detailed design phase
  - Applied for Growing Region Fund 1:1
- Prosecco Road – Oxley commission update



ACAC Committee Agenda

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**5. General Business – Cr Fuller**

- General Questions / Matters
  - Round the table updates from committee
- 7.15pm – 7.30pm

ACAC Committee Updates

- RCOW Outdoor Ball – book a table or attend as a free event
- Jazz Festival AGM – 7 people have nominated for the board
- Men's Shed Country Market – Sunday 18 February
- Acting Roles - Stephen growth areas development, Simone Acting Director, Tanya Acting ACE Manager
- Pride Fair – this Friday 4pm to 8pm Batchelors Green
- Library Future Now exhibition opening Thursday 8<sup>th</sup> Feb
- WAG Friends student prize Layla Ramsay winner
- Thank you for the great conversations
- Next Meeting
  - Wednesday 3 April 2024, 5.30-7.30pm
  - Monday 3 June 2024, 5.30-7.30pm
- Meeting Closure 7:30pm