



Rural City of
Wangaratta

Minutes

For the Scheduled Council Meeting
Whitfield Recreation Reserve, Whitfield
6pm 26 March 2024

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1. Acknowledgement of Traditional Owners

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

2. Opening Prayer

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

3. Present

Councillors:

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

Officers:

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

Administration:

Executive Services Coordinator; Councillor and Executive Services Support Officer

4. Absent

5. Acceptance of Apologies & Granting of Leave of Absence

Order of Business

6. Citizen Ceremony

7. Confirmation of Minutes

Resolution:**(Moved: Councillor H Benton/Councillor D Fuller)**

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

Carried

8. Conflict of Interest Disclosure

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

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

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

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

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

9. Reception of Petitions

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.

Resolution:

(Moved: Councillor D Fuller/Councillor A Fitzpatrick)

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.

Carried

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.

Resolution:

(Moved: Councillor H Bussell/Councillor J Herry)

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.

Carried

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 in 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

Risks	Likelihood	Consequence	Rating	Mitigation Action
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.

Resolution:

(Moved: Councillor D Fuller/Councillor I Grant)

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.

Carried

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 

Public Question:

Claire Russell (9:07)

Regarding the RCOW Policy to Reduce Harm from Gambling March 2024.
The policy should have clear and measurable parameters and statements. (SMART goals). For example, listing the number of EGMs allowable.
Why has council declined to put a limit on the number of EGMs in the RCOW?

Director Marcus Goonan responded:

The document is clear, Council don't support more EGMs in Wangaratta. We have a focus on how we can support the community and organisation to minimise harm and be less dependent on the revenue. The Rural City of Wangaratta has a municipal limit, which is set by the State Government, of 223 poker machine entitlements. On 30 June 2023, there were 154 machines operating. Although incredibly destructive we need to understand that this is a legal form of entertainment.

Jill Cullen (10:25)

Do Councillors and Council Officers accept the current research relating to negative social and economic impacts on communities of the EGMs, or do you think you need to take the next step and go ahead and order an independent impact assessment for social and economic impacts, or do you accept high quality recent research and are you informed by that?

Director Marcus Goonan responded:

We accept all of the expert advice, and this Policy was written with quite a bit of that advice taken into consideration. We also understand the legislative and legal framework that we work within here, and the fact that we have some limited control, but we need to form a position and council's position, which is, I believe, representative of what Councillors believe and the greater community believe, is that we strongly oppose the addition of any EGMs, on top of what we already have.

Jill Lindquist (16:52)

I hope you'll take the step of joining the Alliance for Gambling Reform (AGR) leadership council. This is a body who's full time activity concerns are reducing gambling harm around the state.

I hope that by joining the Alliance you can signal strongly to the community your commitment to reducing gambling harm.

Director Marcus Goonan responded:

Joining the Alliance is one of the actions, it's currently sitting within our budget which is being developed at the moment to pay for that.

Jeremy Kraybill (19:09)

When would we project that we would join the AGR

Mayor Dean Rees responded:

As soon as the Policy is adopted I imagine.

Director Marcus Goonan responded:

I would assume once the Budget's adopted, when we've got the funding to do that. I don't actually know the processes we have to go through, but certainly once the Policy and positions are adopted, I'll get my staff to start talking about that and as soon as we can pay that, to join the Alliance, there's no reason not to, no barriers there that I can see.

You mentioned that Councils have limited opportunity to limit EGMs, which to some extent is true. I didn't see any mention in the Agenda about amendments to the planning scheme which is the

strongest legal basis that we have as a Council for limiting EGM growth or where EGMs can be placed in the future. Was that considered and declined? And if so, why? Or is that something that could happen in the future, or is already underway?

Director Marcus Goonan responded:

It's definitely something that we are considering though this Policy. It's probably not deliberately spelt out in as many words, but it's certainly something that we are considering. As you would know, because we've had conversations about it before, it's not a simple task to get that in. We need to be able to align it with a number of different things so certainly something that has been taken into consideration, certainly something that we will be looking at in future planning amendments, but you're right, it's not specifically spelled out within the document.

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 PInApp23/064, 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 contained in **Attachment 1**; and
2. Advises the applicant and submitters of the decision.

Resolution:

(Moved an alternate motion: Councillor D Rees/Councillor H Bussell)

That Council:

1. That Council issue a Notice of Decision to Grant a Planning Permit with respect to Planning Permit Application PlnApp23/064 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 with the conditions outlined in **Appendix 1**¹.

Carried

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**.

¹ For a copy of Appendix 1, please contact Council via email at council@wangaratta.vic.gov.au



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
- 2 Proposed plans - 121 Templeton Street Wangaratta

Public Questions:**David Godkin and Glenis Rice (32:31)**

We have submitted two objections to the proposed two two-storey development at 121 Templeton St. PinApp 23/064

Are councillors aware of residents' objections and if so, have they considered the visual impact a development of this style will have on the streetscape? {Templeton Street has recently been advertised by local Real Estate Agents as one of the most prestigious streets in Wangaratta.}

Acting Director Simone Nolan responded:

The grounds of objection received to the application are summarised and responded to in detail as part of the officer's report.

Mayor Dean Rees responded:

And yes, us as Councillors, we were notified of the objections and the grounds for those objections.

Mary Tolbert (33:40)

Does Council consider the heritage citation reports?

Mayor Dean Rees responded:

Yes we do.

Jill Cullen (34:18):

Am I correct in saying that the heritage advisor recommended that the development not occur?

Mayor Dean Rees responded:

Correct.

So I think Mary's question is how does that sit ...? (cannot hear question as microphone was not used)

Mayor Dean Rees responded:

The heritage advice is advice only and Council can move either side of that advice, whether through our planning team, or through Council as a direction of Council, but it is considered on all aspects including the current development that is there, and the current development application as well.

It was noticeable that the Council officers had said that they had engaged with the developers and suggested ways in which the proposed development could become more congruent with the surroundings, preserving the character of the neighbourhood to a certain degree, and that those suggestions had been rejected, so where does that leave Council?

Mayor Dean Rees responded:

Some of those objections had been rejected and some of them have been put in including the front verandah, etc, that was modified to suit the heritage advisors advice. It was more around the height, or bulking of the building that way, it does meet all the Res Code bits and pieces, or the laws of Res Code, just not the exact heritage.

Jeremy Kraybill (36:57):

Mr Mayor, if you're proposing to vote for this amendment, do you believe this development is consistent with the conditions of the NRZ [Neighbourhood Residential Zone], and if so, how?

Mayor Dean Rees responded:

It doesn't state that it can't have 2 storey residences and it doesn't state that it only has single dwelling allotment, so it can be viewed in that, so yes I am aware of that and it can be multiple developments as there is in that street already.

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 PInApp23/167, 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:

That Council:

1. Issue a Notice of Refusal for a 2-lot re-subdivision at 64 Grahams Lane Hansonville, on the grounds contained at **Attachment 1**; and
2. Advises the applicant of the decision.

Resolution:

(Moved an alternate motion: Councillor H Benton/Councillor I Grant)

That Council:

1. Issue a Notice of Decision to Grant a Planning Permit with respect to Planning Permit Application PInApp23/167 for a 2-lot re-subdivision at 64 Grahams Lane Hansonville with the conditions outlined in **Appendix 2**².

² For a copy of Appendix 2, please contact Council via email at council@wangaratta.vic.gov.au

Councillor Jack Herry requested a division and the results were:

For: Councillor H Benton, Councillor H Bussell, Councillor A Fitzpatrick, Councillor D Fuller, Councillor I Grant and Councillor D Rees

Against: Councillor J Herry

Carried

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 –	Possible	Minor	Low	Officer representation of

Applicant appeal of decision at VCAT				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. 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**.

Resolution:

(Moved: Councillor H Bussell/Councillor J Herry)

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.

Councillor Jack Herry requested a division and the results were:

For: Councillor H Benton, Councillor H Bussell, Councillor A Fitzpatrick, Councillor D Fuller, Councillor J Herry and Councillor D Rees

Against: Councillor I Grant

Carried

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 13.07-1S 14.01-1S 14.02-2S 14.02-2L 17.01-1S 17.01-1R	Agriculture Land use compatibility Protection of agricultural land Water quality Water quality Diversified economy 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 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. 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

Public Question:

Mark Radnor (55:48)

Question 1 – With regard to the off road motorcycling racing track at 352 Shanley street which the council has allowed, what plans does the council have to improve civic amenity by placing conditions on its use, to prevent nuisance from dust, noise, lights, run off, etc, particularly for the local residents who are easily within distance to be negatively impacted by its use?

Acting Director Simone Nolan responded:

Council has not allowed the track, rather it did not require a planning permit. It is therefore as of right and not subject to any planning conditions.

Question 2 –Having allowed the use of the property, close to many rural residences, as a kangaroo carcass processing facility, what plans does the council have to prevent expansion of this facility, considering the effect this has, and will have, on nearby residents with regard to its unsightly nature, traffic, waste disposal, considering how close it is sighted to nearby residents? The owner of this facility has stated that he will be planting screening for both the unsightly track and this facility. How will the council police and enforce this?

Acting Director Simone Nolan responded:

Any expansion of the rural store would require further planning approval for a rural store with a floor area greater than 100sqm. If the land use transitions to include processing, the applicant would need to seek prior planning approval for the use of the land for rural industry. This would be subject to assessment on its merits based on the Planning Scheme and context of the site and surrounds.

The officer recommendation includes a requirement for screening planting around the proposed office/accommodation and parking hard stand area. Completion of this planting would be enforceable under

an issued planning permit. Planting around the motorcycle track would not be able to be enforced as part of an issued permit for the application currently under assessment as that title allotment does not form part of the subject site.

Question 3 - This property now has a very large capacity power supply connected to it. One use for this, although conjecture, is for lights for the kangaroo carcass processing facility and the off road motor cycling track. Considering the impact that this lighting would have for all close by, if this is established, what plans do the council have for limiting the establishment and use of such lights?

Acting Director Simone Nolan responded:

The officer recommendation includes a standard condition that any lighting for the rural store must be baffled and directed so as not to be directed into a neighbouring property.

Craig Jenkins (59:36)

Question 1 - Have all biosecurity risks associated with the activity of killing kangaroos, on the northeast agricultural sector.

Acting Director Simone Nolan responded:

The existing rural store operations are not subject to the application under assessment.

Question 2 - On 24/03/24 at approx. 7am on Shanley Street, a Toyota Landcruiser drove passed with approx. 15-20 dead kangaroos hanging on it. How would Councillors feel if this were the street they lived in.

Acting Director Simone Nolan responded:

The existing rural store operations are not subject to the application under assessment.

Question 3 - Why do members of Council, feel that it's appropriate to approach the neighbours of the applicant to advocate for the commercial operation of storing dead kangaroos and butchering them at the property. Are the Councillors with a bias on this application withdrawing themselves from a vote.

Acting Director Simone Nolan responded:

The existing rural store operations are not subject to the application under assessment.

Question 4 - Why has Council already permitted the activity of the storage of dead kangaroos and butchering in a shipping container at the property, so closed private residents and a designated water.

Acting Director Simone Nolan responded:

The existing rural store operations are not subject to the application under assessment, the rural store was established as of right and did not require planning approval.

Question 5 - The applicant has been viewed throwing meat chunks from the container into a ute at the property and high pressure hosing out the shipping container where the dead kangaroos onto the ground.

Acting Director Simone Nolan responded:

The existing rural store operations are not subject to the application under assessment. The proponent has been advised that any processing on site associated with the business would be considered a rural industry and require planning approval.

Question 6 - Why does the applicant believe that he can tell the neighbours "You can complain as much as you want, the Council are on my side".

Mayor Dean Rees responded:

Any application lodged is assessed on its merits against the requirements of the Wangaratta Planning Scheme, regardless of who lodges the application.

Question 7 - If the applicant had any consideration for the neighbours, why did they leave the main access drive directly across from a neighbouring house, and expanded operation would make the impacts of this much greater.

Acting Director Simone Nolan responded:

The accessway is not subject to this application as it is existing.

Question 8 - Why did the applicant ever consider this area on the edge of Wangaratta an ideal location to undertake the activity of storing and butchering dead kangaroos.

Acting Director Simone Nolan responded:

The existing rural store operations are not subject to the application under assessment.

Question 9 - Why have Council selected in the planning legislation the activity of a "rural store" to be an appropriate definition of the storage of dead kangaroo, when it is clearly a meat works or a knackery.

Acting Director Simone Nolan responded:

The proponent has been advised that any processing on site associated with the business would be considered a rural industry and require planning approval. The storage in isolation as is currently being undertaken on site is considered to fit within the definition of a rural store.

Question 10 - Why would you rezone neighbouring land for more houses to be built alongside a dead kangaroo storing and butchering facility.

Acting Director Simone Nolan responded:

Land to the east was rezoned to the Rural Living Zone prior to the establishment of the rural store. The subject site is located within the Farming Zone.

Question 11 - Why is the lighting on at all hours of the night and morning when there is no one at the property.

Acting Director Simone Nolan responded:

The existing rural store operations are not subject to the application under assessment.

Question 12 - Why has the applicant put in such large electrical infrastructure prior to any approvals being granted.

Acting Director Simone Nolan responded:

The existing rural store operations are not subject to the application under assessment.

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.

Resolution:

(Moved: Councillor A Fitzpatrick/Councillor J Herry)

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

Carried

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

Resolution:

(Moved: Councillor A Fitzpatrick/Councillor D Fuller)

That Council notes the minutes of these Advisory Committees.

Carried

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

21.1	<p>Wangaratta Stingrays Swimming Club (1:16:26)</p> <p>Wangaratta Stingrays swimming club are concerned that the clubs viability is at stake due to unequal access to WSAC facilities. How does the current treatment of Wangaratta Stingrays swimming club fit with council values? Wangaratta stingrays are being told that we will not have existing lane access over winter as preference of lanes space is given to Wangaratta Amateur swimming club and that they are the preferred club for Wangaratta. The club is also being told we will have to pay additional costs to enter the pool as well have memberships for all our members. So essentially WSAC will be double dipping on Wangaratta Stingrays swimming club. We have been told that we need a MOU for the facility, Do all other users have a MOU? We are also advised that any requests in the MOU must fit around the needs of Wangaratta Amateur swimming club. We have also been advised the newly formed masters swimming will get preference over our club as they are affiliated with WSAC.</p> <p><i>Mayor Dean Rees responded:</i></p> <p><i>Thank you for your letter which I have also personally reviewed. We are very lucky in Wangaratta to have wonderful aquatic facilities and swim clubs such as yourselves that are active users. We recognise that along with the physical benefits, swim clubs also play an important role in building confidence, team work and community connection.</i></p> <p><i>We are keen to help all clubs to thrive as best we can. Regarding the issues you have raised, council is offering the support of our Governance Officer to assist yourselves and the WSAC in reaching an agreement that will work through these matters such as lane hire and appropriate fees. We understand that through recent meetings with your President and the WSAC Manager, there will also be monthly meetings to continue building a positive working relationship.</i></p> <p><i>Many users have booking agreements in place with the WSAC. For yourselves, this may be sufficient as a way forward, or it may be more beneficial to develop an agreement, or 'MOU' for want of a better word as there is the reality of the limited number of lanes at the centre that do need to be shared between the clubs, public swimming and other demands. We understand why you are eager for clarification of arrangements in readiness for the winter season. You are also correct that the Wangaratta Amateur Swim Club has an existing lane hire agreement in place, which was agreed after they made a substantial contribution to the upgrade of the outdoor pool. We would like our Governance Officer to work with you and the WSAC team to seek the best possible outcome for all users.</i></p>
21.2	<p>Dean Hurlston (1:19:56)</p> <p>Question 1: What amount of waste enforcement costs in the current financial year 2023/24 has the Council included in its waste levies charged to residents? (if any)</p> <p>Question 2: What amount of revenue has council included in the current financial year 2023/24 from waste enforcement actions?</p>

	<p>Question 3: Has that revenue been offset in the waste levy OR applied to Councils General Revenue streams?</p> <p><i>Director Marcus Goonan responded:</i></p> <p><i>No waste enforcement cost is included in Council's waste levies charged to residents. Council have allowed no revenue from waste enforcement actions and there is nothing to offset.</i></p>
21.3	<p>James Findlay (1:21:08)</p> <p>RE: Continued and prolonged Power and Telecommunication Outages caused by natural events, and the impact to our rural Communities.</p> <p>The King Valley has continued to be impacted by power and communication outages of up to 18hrs (twice in the last summer). The backup systems to keep these services running is inadequate. We have elderly people and people with chronic health conditions who rely on a functional telecommunications system to support them.</p> <p>With the increase in tourism to our area the population of the valley at times booms. Come another significant event, during a boom weekend, which takes these essential services out, we are not in a position to support them all. While there appears to be buckets of money to support and grow tourism, where is the money to support essential services to function in times of crisis?</p> <p>What action is the council taking to support our communities during these events and how are you holding the telecommunication and power companies to account?</p> <p>What further action can the council be doing in this area?</p> <p>I've attached a report I wrote after one such event, to help give context to the question.</p> <p><i>Director Marcus Goonan responded:</i></p> <p><i>Hi James, Thanks, for the question and for the report which was attached to your question.</i></p> <p><i>Council Offices have worked with members of the Upper King Valley Community, CFA and Victoria Police to learn more about the communication challenges over the past few year and how that impacts the community thought our emergency services team. One of the main challenges is responses time to the King Valley (currently the tech is located in Mansfield) Officers are advocating for electricians locally in the King Valley, to obtain the necessary certification to perform the necessary connections / reinstatement. This will greatly improve reconnection times.</i></p> <p><i>Other areas Officers are working on including the knowledge of critical infrastructure and the need for Emergency Managers to have knowledge when consequence planning, will be raised at State Level through Emergency Management Victoria. Council officers sit on the Indi Telecommunications Advisory group. Officers provide advice on areas of concern</i></p>

	<p><i>for both telephone and internet connections. This advice helps to guide the Federal Governments Black Spot Funding.</i></p> <p><i>Council officer and Councillors will continue to advocate to federal & state government and utility companies to improve the emergency outcome of the entire Municipality.</i></p> <p><i>Regarding funding buckets, most of the money being spent on works in Whitfield and Cheshunt is funding from the state government. Although these works do benefit tourism, the works are largely taken from the Rural Place Making projects which was driven by the local community.</i></p>
21.4	<p>Jamie Fischer (1:24:19)</p> <p>I speak very much in favour of James' letter which he's sent to you. The reality is that these outages are really freezing the community and many representations have been made by us, through Ms Haines as well, and also to CFA, and also to State Government, and it's a serious need for it to be coordinated, somebody to actually take charge for that at a domestic level, and it's a plead that there'd be some sort of, rather a palliative view as the Director might have given about what has been done, but nothing has been done and that's the tragedy and we are likely very soon to have some real problems associated with particularly radio telephone connection from CFA further up the Rose River. CFA have finally come to the acknowledgement that we must have some form of satellite communication and we'd like Council to also take a view of being involved with that sort of interconnected communications with their own facilities.</p> <p><i>Mayor Dean Rees responded:</i></p> <p><i>I'll endeavour, with the CEO, to have a meeting early in the next couple of weeks with Helen Haines and sort out where that process is at. Not just for emergency services, but for the general residences who are having these power outages and can't use their phones. Even for our tourist destinations who can't use their EFTPOS machines to take people's money. It is a huge concern I know Helen Haines has been working on things, but where is it at?</i></p>
21.5	<p>John Kirby (1:26:54)</p> <p>Would the Mayor and the Councillor for the Southern Ward give the meeting an update on the problems of housing in our community, particularly houses for rent, and houses to buy and rent at a reasonable price, particularly for people struggling to buy their first home.</p> <p><i>Mayor Dean Rees responded:</i></p> <p><i>I'll certainly refer to Councillor Bussell for out here. Again I look at one of our planning applications here tonight that we approved eventually, certainly not having a go at the owner here, but the owner will, as we all don't live forever, will be a house that will come for sale or for rent at some stage in its life on a smaller acreage of land that is more affordable. Young people can't buy out here on 150 acres or 100 acres, whatever the limit is, because it's too expensive, however, smaller properties like on 5 acres will allow that type of situation to happen. I look at the housing prices in town, Council's working very</i></p>

hard, we've got 42 housing units being built now by departments for social and affordable housing, we've got 2 or 3 applications that are approved and ready to go for more of these developments, one in Parfitt Road of about 18 units down there, we've got some going out on the Alpine Highway just to the right there, opposite the church there which is also a housing development on behalf of the government. We also have things further out the road and Parfitt Road again on a property that's a planning application at present for development of disability affordable housing for disabled people as well. Council is also working very hard with the state and federal government on our old Tech School site to supply both worker accommodation, affordable, and social housing through an organisation to give back which is Kids Under Cover. We're currently in the process of a funding application, helping out with a funding application, by the applicant, we've earmarked an applicant, we've seen designs, etc, that will turn a horrible old site, back into accommodation that will benefit the community.

I will state at a different level, and being in the real estate game, the reasons we hear around the private investor not investing into real estate and getting out of it is the costs are too high, interest rates are too high, rates are too high, there's land taxes now coming in the Victorian Government. Everything is working against, then you've got Capital Gains Tax, you make a bit of money on it and we'll Capital Gains Tax you as well. So there's no incentive for the private investor to come in and start building houses when they're just going to get taxed and the rental return does not compensate the \$600,000 - \$700,000 output by a person to do it. They're putting their money into managed funds to get that with no risk, so that's what's happening in these areas, but we are certainly ahead of the curve compared to a lot of areas on our social affordable and worker accommodation. There are hurdles along the way with government to release the funding, they've got a housing model. Brendan - CEO, and myself went to the rural housing summit in Canberra a few weeks back, hosted by Helen Haines and all the communities having trouble getting the funding out of the government, they've got all this money to give, and the hurdles to jump over are just astronomical. So they're looking at ways through Helen Haines and she is working well on this program to limit these hurdles in their height so they can be stepped over a lot quicker, so I commend her for doing that and bringing this to the forefront.

Director Marcus Goonan responded:

Council are also working on an affordable housing strategy. We've actually had an officer working on that for the last 6 months or so, so that is something that will come to Council over the coming, I'd say 6 months before we've actually got it formally adopted. That has a number of recommendations and actions in it to alleviate some of the concerns that you are speaking on.

Mayor Dean Rees responded:

The Victorian Government have also done good things in relation to, it's not like me to say the good things, but they certainly have limited the housing in backyards without the need for planning applications as long as you're in an overlay area, for dwellings under 60 square metres, so that's a great thing by the State Government. And also the minimum lot size down to 300 square metres that we've been working on for years and just about to adopt and they did it for the whole of Victoria, so that again, you can build a dwelling on something under 300 square metres without a planning permit and that process and the costs as part of that process, so there are good things happening everywhere along those lines.

	<p><i>And they have made a huge provision for key worker accommodation on farms to be able to get through that process extremely quickly, we just need more funds to do that.</i></p> <p><i>Councillor Harry Bussell responded:</i></p> <p><i>I think the Affordable Housing Strategy will answer some of those questions, but it is quite an important issue that we all face in the rural sector with not enough housing, particularly for workers and low paid people so thanks John for the question, and we will endeavour to answer more of the question as we go along.</i></p>
21.6	<p>Jeremy Kraybill (1:32:38)</p> <p>I now represent the vast majority of objectors in the VCAT case regarding the 7/11. We've had 2 preliminary hearings already and we're going to hearing in June. After the first preliminary hearing, I met over the phone with the town planner who's been hired by Council. It's my understanding that the reason that Council hired a town planner is because there is a conflict of interest between the officers report from the planning department and the Council vote. Is that correct?</p> <p><i>CEO Brendan McGrath clarified:</i></p> <p><i>I wouldn't describe it as a conflict of interest, but there is an obvious difficulty when officers recommend one thing, and the Councillors decide opposite, for those same officers then to go and make that argument at VCAT is very difficult when VCAT can sit there and see what the officer's recommendation was versus the council decision, so yes we do bring in an independent person to help with those.</i></p> <p>Why is the planning department not providing information? It's not like we're opposing, we want the same thing that Council wants. Why am I not getting the information I'm requesting?</p> <p><i>CEO Brendan McGrath responded:</i></p> <p><i>I can't answer that off the top, Jeremy. I'm happy to follow that up in the morning when I can speak to someone.</i></p> <p>Why has [the independent town planner] been directed to not calling witnesses? Why does it look like he's not trying to win? Why is Council's decision to refuse not being properly defended, except by us?</p> <p><i>CEO Brendan McGrath responded:</i></p> <p><i>That conversation was reported to me and I went and spoke to the staff concerned and was assured that there had not been a direction that we wouldn't be engaging any witnesses and that there had, in fact, not been a decision made on whether we needed any witnesses at that point. The recent VCAT meeting was a compulsory conference. The primary purpose of those compulsory conferences is to see whether some agreement can be reached between all of the parties, the applicant, the Council, and the objectors, so the primary purpose of those meetings is essentially to see whether a negotiated outcome can be achieved to negate the need for a full hearing. So that's why there was</i></p>

	<p><i>discussions around could there be concessions made and was there a way for things to be settled, because that is the purpose of the compulsory conference.</i></p> <p><i>Going forward as we get into practice day hearings and full directions hearings, if we get to those points, it'll be leading into those where we will consider whether we do need to engage any other external people to support our case. Your point about our planning consultant and our planning team's job being to defend the Council's decision, is entirely correct and they will do that based on the grounds of the Council's decision.</i></p>
21.7	<p>Kristy – Wangaratta Stingrays Swimming Club (1:38:00)</p> <p>The Wangaratta Swimming Club provided \$100,000 to the building of the new WSAC pool, which was less than 0.05% of the cost of the pool. This money came to Wangaratta from a deceased estate for furthering swimming and infrastructure in Wangaratta. This was not for the use of the Wangaratta Swimming Club to bargain with going forward, to dictate terms of use of the pool for other users. Our question is, what is the life of this \$100,000 given that the Wangaratta Swimming Club have a considerable size club room, and they also have a large storage shed which probably cost \$100,000 to add to the building?</p> <p><i>CEO Brendan McGrath responded:</i></p> <p><i>My understanding is the agreement is a 5 year agreement and you know there would be obviously conversations around any renewal of that leading into that period. Whilst you're right \$100,000 is a relatively small percentage of the overall building cost, it's also a big contribution from a small community club as I'm sure you'd appreciate. Those facilities that they currently have access to through their MOU, were not added during the building stage at their request, they were spaces that were built as part of the build and they negotiated access to those as part of the development of their MOU so it wasn't like we spent a whole lot of money based on their requirements, they were part of the building components and they negotiated access to those through their MOU discussions.</i></p>

22. Confidential Business

Nil

23. Closure of Meeting

The Meeting closed at 7:41pm.