



Rural City of
Wangaratta

Minutes

For the Scheduled Council Meeting
Oxley Shire Hall
1157 Snow Rd, Oxley
3pm 27 August 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; Stephen Swart, Director Sustainability and Culture

Administration:

Executive Services Coordinator; Councillor and Executive Services Support Officer

4. Absent

Councillors:

Officers:

5. Acceptance of Apologies & Granting of Leave of Absence

Order of Business

6. Citizen Ceremony

Nil

7. Confirmation of Minutes

Resolution:

(Moved: Councillor H Benton/Councillor D Fuller)

That Council read and confirm the Minutes of the Scheduled Meeting of 30 July 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.

Cr Harvey Benton declared a Material Conflict of Interest for:
12.1 due to close association and family member
14.5 due to being an Executive of one of the applicants

9. Reception of Petitions

10. Hearing of Deputations

Presentation Of Reports

For full transcript, please refer to the recording on the [Rural City of Wangaratta YouTube channel](#). Time markers are noted in (minutes:seconds) format.

11. Councillor Reports

Councillor Dave Fuller (04:15)

Thank you Mr Mayor, not so much a report, but just a shout out to the Queen of Oxley, it's her birthday tonight, today, the whole day. So happy birthday, 75, congratulations Janet. Thank you.

Happy Birthday Janet!

Officers' Reports

12. Executive Services

12.1 Reappointment of Directors to the Wangaratta Livestock Exchange Pty Ltd (04:49)

Meeting Type: Scheduled Council Meeting
Date of Meeting: 27 August 2024
Author: Director Corporate 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.

*Cr Harvey Benton left the meeting at 6:05 pm having previously declared a Conflict of Interest.
Cr Harvey Benton returned to the meeting at 6:08 pm.*

Executive Summary

This report is presented to Council to re-appoint an independent director, whose previous term has expired, to the Board of the Wangaratta Livestock Exchange Pty Ltd (WLE).

Resolution:

(Moved: Councillor H Bussell/Councillor I Grant)

That Council:

1. Re-appoints the Directors listed in the confidential attachments to the Wangaratta Livestock Exchange Pty Ltd for a term of 2 years commencing 28 August 2024 and ending 27 August 2026.
2. Authorises the Mayor and Chief Executive Officer to sign a record of the resolution in point 1 above that documents the date and time that it is signed and includes the Directors' name and the length, start, and end dates of their term.
3. Discloses the name of the re-appointed Director.

For: Unanimous

Against: -

The reappointed Director was disclosed as Chris Roach

Carried

Background

The Wangaratta Livestock Exchange (WLE) directors were appointed by Council following a thorough recruitment and selection process.

The terms of one directors has expired. This director has consented to being reappointed for a further term of 2 years and has provided a signed consent form (see *Confidential Attachment*) and should be re-appointed as they have performed satisfactorily.

WLE is a single member company. As the sole member (shareholder) of WLE, the power to appoint a person as a Director by resolution in a 'General Meeting' lies solely with Council under clause 15.1.2(a) of the WLE Constitution.

Council has the power to make decisions by recording and signing them. The recording of this decision is deemed to be the passing of a resolution and the resolution is deemed to have been passed at a 'General Meeting'. The date and time of the meeting is deemed to be the date and time that the resolution is signed. Refer to clauses 13.2.1 and 13.3.1 of the WLE Constitution for further details.

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. Remuneration of Directors is already budgeted within the WLE's Annual Budget.

Legal/Statutory

Council must meet the provisions of the *Corporations Act 2001* and, from a legal perspective, the obligations set out in the Constitution of the WLE. A copy of the WLE Constitution is available to members the public upon request.

Social

It is important that an appointed Board is in place to ensure that the WLE operates as a going concern, providing important economic and social benefits for the municipality's agricultural sector.

Environmental/Sustainability Impacts

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

Strategic Links

Council Plan 2021 – 2025

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

1. Expanding our Economy

4.2.2.3 Continue to support the Board of the Wangaratta Livestock Exchange to further develop its services and to strengthen its long-term financial sustainability.

Risk Management

Reappointing appropriately skilled and experienced Directors to the WLE mitigates risk by ensuring WLE strategies and decisions are well informed.

Consultation/Communication

The WLE Director whose term of appointment has expired has been consulted regarding their interest in reappointment. They have submitted a signed consent to do so and their reappointment has been endorsed by the WLE Board.

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

Options for Consideration

- | | |
|----------|--|
| Option 1 | Reappoint the Director as outlined in this paper. Recommended. |
| Option 2 | Do not reappoint the Director and commence a process seeking expressions of interest for that Director position. Not recommended as this will create an additional risk for the company due to uncertainty, and a perceived lack of confidence in member(s) of the Board. The Board is also putting steps in place to plan for succession planning and any future transitions. |

Conclusion

The WLE Board endorsed the reappointment of this Director at their August Board Meeting. The candidate has consented to be reappointed for a further term of 2 years. They should be reappointed as they have performed satisfactorily and hold appropriate skills and experience for the roles.

Attachments

- 1 Nomination Consent Form - Confidential

13. Corporate and Leisure

13.1 Council Plan Strategic Indicators and Actions Update - Quarter 4 2023/24 (9:00)

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	27 August 2024
Category:	Operational
Author:	Executive Assistant Corporate & Leisure
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.

Purpose & Background

This report is presented to Council to note the performance on our Council Plan 2021-25 Strategic Indicators and Actions as at the end of Quarter 4 2023-2024 (April 1 – June 30).

Resolution:

(Moved: Councillor D Fuller/Councillor I Grant)

That Council:

1. Notes the Council Plan 2021-2025 Strategic Indicators and Actions performance for Quarter 4 2023-24.

For: Unanimous

Against: -

Carried

Background

Each year, Council sets out in the Council Plan the strategic objectives, strategies for achieving the strategic objectives and strategic indicators for monitoring their achievement. The Council Plan also lists actions planned to support delivery of the strategic objectives. This report provides a progress update on the achievement of those indicators and actions.

Council Plan Actions

254 Council Plan Actions were to be completed during the 2023-24 financial year **(Attachment 1)**.

As at the end of Quarter 4, 243 actions were recorded as complete or on track, 1 action was cancelled, 2 actions were pending, and 8 were listed as off track.

Some of Council's completed actions reported during the second half of the 2023/24 year include: Delivery of the Connect Wangaratta Engagement portal; the Youth Council has 11 young people engaged in the program; The youth hub was officially opened; the Big Brother, Big Sister program is up and running; the Open Space and Recreation Strategy has been officially adopted; good progress on the Wilson Road Levee Bank works; the Draft Waste and Resource Recovery Strategy has been completed; the medical GP Partner attraction program has taken place.

As we enter the final year of this Council Plan, more attention is focused on actions that are reported as On Hold, Pending or Off Track (**Attachment 2**). As at the end of quarter 4:

1.1.2.2 Review and Improve Councils Community Engagement Policy	Awaiting the appointment of the Community Engagement Advisor, recruitment is underway. Policy to be reviewed once Advisor commences and changes to be rolled out with newly appointed council in FY25.
1.1.3.2 Increase online access to Council services, processes and information.	Council continues to work to increase online access to Council services. To improve customer service for our community, a key part involves efficiently and effectively managing facility bookings from its residents, visitors, and community groups. Council's new Optimo Booking and Event Management System has gone live to allow greater online functionality and visibility of Council's sportsgrounds, open spaces, and library meeting rooms for our customers. The online ticketing module for Council community events is now being finalised.
1.1.2.5 Train Councillors and staff in how to plan for and undertake deliberative community engagement.	Community Engagement Toolkit rolled out in 2023, and 12 champions across the organisation were appointed. A training refresh on deliberative community engagement will be conducted following appointment of a Community Engagement Advisor.
2.6.1.1 Seek funding to establish and maintain the flood protection system including the urban levee system.	Stage 1 and Stage 2 Wilson Rd levee completed. Parfit Road levee upgrades almost complete. Merriwa Park Levee design changes agreed. To be completed by end of 2024.
3.3.2.3 Explore opportunities to reduce water usage in Council facilities.	Ongoing. Project scheduled for 2024/25 to assign water bills to buildings so we can track usage.
5.4.1.1 Expand the provision of street lighting throughout key pedestrian and cyclist routes.	Scope being finalised. This project is a priority project for July/August 2024.
6.4.1.2 Work with local partners to ensure a collective approach to marketing the municipality for new residents.	Focused on attracting visitors. Supply of new housing limited due to infrastructure issues, now resolved. In the second half of the FY there was a push for additional doctors in the region to both live and work. The intentions for the Live activities (to attract new

	residents) will be revisited early in 24/25.
6.4.2.3 Deliver marketing and social media content that attract new residents and clearly positions Wangaratta as a great place to live and work.	<p>Focused on attracting visitors. Supply of new housing limited due to infrastructure issues, now resolved. In the second half of the FY there was a push for additional doctors in the region to both live and work.</p> <p>The intentions for the Live activities (to attract new residents) will be revisited early in 24/25.</p>

Strategic Indicators

Of the 41 Strategic Indicators, 14 were above the target, 13 were within 5% of target and 14 had not achieved within 5% of target.

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

Increased visitation at Art Gallery, Performing Arts Centre and Sports and Aquatics Centre; Council now sources 100% of its electricity from renewable sources; Days to close Customer requests is 4.3 days, well ahead of target; Planting of native plants in the municipality was at 141% of target.

Feedback on areas not achieving within 5% of target include the following (see **Attachment 3** for full commentary):

1.0.1 Survey – Informing the community (YTD Target 63% – Result 50%)

- Down 1 percentage point year on year, in line with state-wide results, and 2 per percentage higher versus regional centres

1.0.2 Survey – Consult and Engage (YTD Target 60% – Result 53%)

- No change year on year, 2 percentage points higher versus state-wide result and 4 percentage points higher versus regional centres.

2.0.3 Domestic Animals Registration (YTD Target 100% – Result 80.3%)

- Active Domestic Animals registered in Rural City of Wangaratta - Cats 1,885 and Dogs 5,229
Domestic Animals Renewals Currently: Cats 1,431 and Dogs 4,284.

5.0.1 Survey – Council performance on the condition of sealed roads (YTD 64% - Target - 50%)

- Perceptions of the condition of sealed local roads have declined significantly for the third year in a row. This is Council's second lowest performing service area and it is one of only two service areas to report a significant decline in perceptions in 2024. Officers will work media and comms and the community to work on improvements in this space.

5.0.3 Reduction in customer requests for pathways per year (YTD 5% - Target -30%)

- 30% increase for customer requests for pathways from 2022/23 to 2023/24.

5.0.9 Survey – Council performance on appearance of public open spaces (YTD 74% - Target 80%)

- Council performs significantly higher than the Regional Centres group and the State-wide average for councils in the appearance of public areas.

6.0.1 Annual number of building permits issued for new dwellings (YTD Target 150 – Result 111)

- This reflects building permits issued by both council and the private sector. Dependant on demand.

6.0.2 Annual number of new residential lots released (YTD Target 150 – Result 108)

- This is dependent on subdivision processes and then the release of land.

6.0.3 Planning applications made within the required timeframes (YTD Target 82% – Result 68.92%)

- This depends on the complexity of applications, available staff resources and responsiveness of external parties.

6.0.4 Planning application processing days (YTD Target 55 – Result 76)

- This depends on the complexity of applications, available staff resources and responsiveness of external parties.

6.0.5 Survey – Planning & Building permit satisfaction (YTD Target 60% – Result 44%)

- Down from 47 in 2023. Above Statewide average for all Councils.

6.0.6 Population Growth (YTD Target 60% – Result 44%)

- The population for the Rural City of Wangaratta as of the 30th June 2023 is 30,002. Since the previous year, the population has grown by 0.29%. Population growth in Regional VIC was 1.09% (source: ABS / Profile id)

6.0.7 Gross Regional Product (YTD Target 2% – Result 1.13%)

- Wangaratta's Gross Regional Product (GRP) is estimated at \$2.244 billion (last year \$1.981 billion). Wangaratta represents 9.8% of Hume Region's Gross Regional Product (GRP) of \$22.895 billion, 0.4% of Victoria's Gross State Product (GSP) of \$568.866 billion, and 0.1% of Australia's Gross Domestic Product (GDP) of \$2.561 trillion (Source: ABS / Remplan)

Implications**Policy Considerations**

There are nil policy considerations attached to this report.

Financial/Economic Implications

There are no financial or economic implications for the subject of this report. Funding to deliver the actions in the Council Plan was allocated via council's Annual Budget.

Legal/Statutory

In accordance with the Local Government Act 2020 Council must have in effect a Council Plan outlining the strategic direction of the Council, strategies for achieving this strategic direction and a description of Council's initiatives and priorities for service, infrastructure and amenity. The results of Council's performance against its Council Plan must be presented at a formal Council meeting bi-annually and the end of year results presented in Council's Annual Report.

Social and Diversity

This report provides an update on Council's performance in the social and diversity actions and indicators prescribed in the Council Plan.

Environmental/Sustainability Impacts

This report provides an update on Council's performance against the environmental and sustainability measures in the Council Plan.

Strategic Links

Council Plan 2021 – 2025

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

1. Strengthening our Leadership

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

Rural City of Wangaratta 2033 Community Vision

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

- A1 – Provide open and transparent communication to the community to build trust, respect and understanding

Risk Management

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

Risk Management Framework

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

Consultation/Communication

Council Plan actions have been progressively implemented by the appropriate officers across the organisation. The status of Council Plan actions and strategic indicators are reported to Councillors, the Corporate Management Team and Audit & Risk Committee on a quarterly basis alongside other regular updates.

Options for Consideration

As this report is for noting only, there are no alternative options for consideration.

Conclusion

Council must formally note the results of the performance against the Council Plan bi-annually. This report is presented to formalise this bi-annual requirement.

Attachments

- 1 Q4 23/24 Completed and On Track Council Plan Actions 
- 2 Q4 23/24 Off Track Council Plan Actions 
- 3 Q4 23/24 Strategic Indicators 

13.2 Draft Audit and Risk Committee Charter 2024 (10:08)

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	27 August 2024
Category:	Strategic
Author:	Governance & Reporting Advisor
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 endorse the reviewed Draft Audit and Risk Committee Charter 2024 (*the 'Charter'*) for a period of community consultation. Section 54 of the *Local Government Act 2020* (Vic) (*'the Act'*) specifies that a Council must approve the Audit and Risk Committee Charter, and the Charter states that it must be reviewed by Council at least once in each Council term.

Resolution:

(Moved: Councillor A Fitzpatrick/Councillor D Fuller)

That Council:

1. Endorses the Draft Audit and Risk Committee Charter 2024 attached to this report to commence public exhibition on Friday 30 August 2024.
2. Invites submissions from the community on the Charter for 28 days commencing from Friday 30 August 2024, until 5pm Friday 27 September 2024.
3. If submissions requesting changes to the Charter are received, reviews and considers adopting the Audit and Risk Committee Charter 2024 at the next available Scheduled Council Meeting taking into consideration all submissions and any further changes.

If no submissions requesting changes to the Charter are received, adopts the Audit and Risk Committee Charter 2024 without further resolution.

For: Unanimous

Against: -

Carried

Background

The current Audit and Risk Committee Charter was adopted by Council on 25 August 2020. As per the requirements of the Charter, it must be reviewed by Council at least once each Council term.

This review of the Charter has taken into consideration good practice guidelines from Local Government Victoria and benchmarking with similar Audit and Risk Committee Charters from other councils across Victoria.

The revised Charter was presented to the Audit and Risk Committee on 6 August 2024 with 5 key inclusions being proposed. These changes were endorsed by the Committee. The main changes proposed to the Charter are:

1. Providing Councillor and Committee members the opportunity to vet each preferred new committee candidate prior to endorsement at a Council Meeting;
2. Introducing an automatic 2% annual remuneration increase as of 1 July each year to each independent member (subject to change by Council resolution);
3. Confirming that payments are to be made per meeting, rather than per quarter;
4. Broadening the documents provided to all inductees (including most recent internal audit reports, internal and external audit strategies and current Risk Registers);
5. Enhancing the conduct expected of Audit and Risk Committee members, including requiring personal returns, managing conflicts of interest and prescribing that members not complying with their obligation under the Act may be subject to a review of their Committee membership; and
6. The inclusion of annual business continuity and disaster recovery testing to be included in the Charter.

The revised Charter is now presented to Council for consideration.

Implications

Policy Considerations

As this Charter is a Major Council Policy, it is required to be published for a period of community consultation, as specified in council's Local Law and Community Engagement Policy.

Financial/Economic Implications

The finance team have provided advice relating to remuneration and any associated tax and superannuation implications.

Legal/Statutory

The Committee was established under sections 53 and 54 of the Act. Any changes must be in accordance with the Act. Council must have an Audit and Risk Charter in effect in accordance with these sections.

Social and Diversity

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

Equity Impact Assessment (EIA)

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

Environmental/Sustainability Impacts

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

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Failure to review the Charter in accordance with the Act.	Rare	Minor	3 – Low	Ensuring a review is undertaken at least once each Council term.

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Consult	Enable the community to comment on the Charter.	Publish on website, notice in local newspaper and on council's social media. Consider any submissions requesting change and make updates to the Charter if required. Present to a future council meeting.
Inform	Transparency for community of the oversight of financial and risk management at council through the Audit & Risk Committee.	Public notice in local newspaper and on Council's website.

Officers believe that appropriate internal consultation has occurred, including with the Audit & Risk Committee, and the draft Charter is now ready for a period of community consultation.

Following endorsement of this draft Charter at the Scheduled Council Meeting, the document will be published for community engagement and feedback.

The period of submission will run for 28 days from Friday 30 August to 5pm Friday 27 September 2024. Any submissions will then be considered, and if changes are required, an updated policy will be presented at a future council meeting.

Conclusion

The Draft Audit and Risk Committee Charter 2024 has been reviewed to ensure compliance with the Act and to ensure the efficiency of the Committee. It is now presented to Councillors to endorse a period of public exhibition prior to adopting a final version.

Attachments

- 1 Draft Audit and Risk Committee Charter 2024 Clean 
- 2 Draft Audit and Risk Committee Charter 2024 Tracked 
- 3 Community Impact Statement 

14. Community and Infrastructure

14.1 PR0569 Cruse Street Remediation (12:29)

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	27 August 2024
Category:	Strategic
Author:	Acting Delivery & Contracts Coordinator
Approver:	Director Community and Infrastructure

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 with the recommendation to award Contract 67052 Cruse Street Remediation.

Resolution:

(Moved: Councillor H Benton/Councillor A Fitzpatrick)

That Council:

1. Awards Contract 67052 Cruse Street Remediation to Longford Civil Pty Ltd.
2. Authorises the Chief Executive Officer to sign and seal all the relevant contract documents for 67052 Cruse Street Remediation.
3. Discloses the contract price of 67052 Cruse Street Remediation.

For: Unanimous

Against: -

The contract price was disclosed as \$654,822.58

Carried

Background

Cruse Street has experienced substantial subsidence due to drainage pipe movement and needs to be reinstated.

As part of the works the road will be excavated down to the depth of the existing drainage. Remediation work will take place to fix the drainage and backfill the trench to a high standard.

Works on site will include the reconstruction of existing roads, footpaths, and kerbs. It is expected that road use may be limited during the period of works.

Implications

Policy Considerations

Council's procurement policy outlines the approved methods and processes for procurement. Collaborative procurement was not considered for this procurement.

Financial/Economic Implications

Council's 2024/25 capital works budget has \$800,000 (ex GST) allocated to the Cruse Street Remediation project.

Legal/Statutory

The Local Government Act 2020 Section 109 (2) requires that the Chief Executive Officer ensures that any report to the Council that recommends entering into a procurement agreement includes information in relation to any opportunities for collaboration with other Councils or public bodies which may be available.

Social and Diversity

There will be an impact to existing residents within the area of works. It is likely that the existing shared footpath will be removed and reinstated due to the depth of excavation required. The project manager will need to ensure that all efforts are made to maintain mobility for all users.

Equity Impact Assessment (EIA)

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

Environmental/Sustainability Impacts

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

Strategic Links

Council Plan 2021 – 2025

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

1. Strengthening our Leadership

1.3.2 Engage in meaningful dialogue with the community and demonstrate how community participation is being used to inform decisions.

Risk Management

Risk Management Framework

Risks	Likelihood	Consequence	Rating	Mitigation Action
Not achieving the proposed timelines	Possible (3)	Moderate (3)	Medium (6)	Project manager to monitor
Unsatisfactory quality of works	Possible (3)	Moderate (3)	Medium (6)	Project Manager to monitor

Consultation/Communication

As the project is reinstating existing infrastructure with no change of service it is the Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Options for Consideration

1. Award contract 67052 Cruse Street Remediation to Longford Civil Pty Ltd.
2. Not award contract 67052 Cruse Street Remediation to Longford Civil Pty Ltd and retender publicly as per Council's procurement policy.

Conclusion

Following an internal evaluation against pre-determined evaluation criteria and weightings, Contract 67052 Cruse Street Remediation is recommended to be awarded to Longford Civil Pty Ltd.

Attachments

- 1 67006 Cruse Street Remediation Evaluation Report - Confidential

14.2 PR0590 Wareena Park Oval Upgrade (15:38)

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	27 August 2024
Category:	Strategic
Author:	Acting Delivery & Contracts Coordinator
Approver:	Director Community and Infrastructure

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 with the recommendation to award Contract 64866 Wareena Park Oval Upgrade.

Resolution:

(Moved: Councillor I Grant/Councillor H Benton)

That Council:

1. Awards Contract 64866 Wareena Park Oval Upgrade to Gordon Gibson Nominees Pty Ltd.
2. Authorises the Chief Executive Officer to sign and seal all the relevant contract documents for 64866 Wareena Park Oval Upgrade.
3. Discloses the contract price of contract 64866 Wareena Park Oval Upgrade.

For: Unanimous

Against: -

The contract price was disclosed as \$1,488,211.02

Carried

Background

The Wareena Park Oval has been highlighted as requiring upgrade works to widen the oval to meet current standards for football and cricket.

As part of the works the oval will be regraded with subsoil drainage and irrigation to be installed to facilitate better drainage.

Implications

Policy Considerations

Council's procurement policy outlines the approved methods and processes for procurement. Collaborative procurement was not considered for this procurement.

Financial/Economic Implications

Council's 2024/25 capital works budget has \$1,592,000 (ex GST) allocated to the Wareena Park Oval Upgrade which includes \$600,000 of funding through Regional Community Sports Infrastructure fund.

Legal/Statutory

The Local Government Act 2020 Section 109 (2) requires that the Chief Executive Officer ensures that any report to the Council that recommends entering into a procurement agreement includes information in relation to any opportunities for collaboration with other Councils or public bodies which may be available.

Social and Diversity

Sport is a significant part of any community and has many wide ranging benefits. This oval upgrade will allow greater access to sport for all abilities levels.

Equity Impact Assessment (EIA)

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

Environmental/Sustainability Impacts

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

Strategic Links

Council Plan 2021 – 2025

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

1. Strengthening our Leadership

1.3.2 Engage in meaningful dialogue with the community and demonstrate how community participation is being used to inform decisions.

2. Nurturing our Wellbeing

2.3.4 Provide quality and accessible community facilities based on community needs.

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

Risk Management

Risk Management Framework

Risks	Likelihood	Consequence	Rating	Mitigation Action
Not achieving the proposed timelines	Possible (3)	Moderate (3)	Medium (6)	Project manager to monitor
Unsatisfactory quality of works	Possible (3)	Moderate (3)	Medium (6)	Project Manager to monitor

Consultation/Communication

Extensive consultation has occurred with all stakeholder groups from the recreation reserve throughout the planning and design phase. The final design was presented and accepted by these stakeholder groups earlier this year. With funding received, Council Officers now believe the matter is now ready for Council consideration.

Options for Consideration

1. Award contract 64866 Wareena Park Oval Upgrade to Gordon Gibson Nominees Pty Ltd.
2. Not award contract 64866 Wareena Park Oval Upgrade to Gordon Gibson Nominees Pty Ltd and retender publicly as per Council's procurement policy.

Conclusion

Following an internal evaluation against pre-determined evaluation criteria and weightings, contract 64866 Wareena Park Oval Upgrade is recommended to be awarded to Gordon Gibson Nominees Pty Ltd.

Attachments

- 1 64866 Wareena Park Oval Upgrade - Evaluation Report - Confidential

14.3 PR0535 Redcamps Bridge (19:07)

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	27 August 2024
Category:	Strategic
Author:	Acting Delivery & Contracts Coordinator
Approver:	Director Community and Infrastructure

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 with the recommendation to award Contract 65399 Redcamps Bridge.

Resolution:

(Moved: Councillor H Benton/Councillor H Bussell)

That Council:

1. Awards Contract 65399 Redcamps Bridge to Waratah Construction Pty Ltd.
2. Authorises the Chief Executive Officer to sign and seal all the relevant contract documents for 65399 Redcamps Bridge.
3. Discloses the contract price of contract 65399 Redcamps Bridge.

For: Unanimous

Against: -

The contract price was disclosed as \$641,605.54

Carried

Background

The existing bridge is a three-span cast-in-situ reinforced concrete bridge constructed on Boggy Creek Road over Boggy Creek near Myrree. The deck of the bridge needs to be strengthened to increase its capacity to T44 standard. The T44 standard allows for a 44 tonne semi-trailer load to utilise the bridge. The deck overlay is to be removed and new deck slab with additional structural steel beams along with guard rail is to be constructed for strengthening purpose.

Implications

Policy Considerations

Council's procurement policy outlines the approved methods and processes for procurement. Collaborative procurement was not considered for this procurement.

Financial/Economic Implications

Council's 2024/25 capital works budget has \$650,000 (ex GST) allocated to the Redcamps Bridge Upgrade which includes \$520,000 of grant funding from the Australian Government Bridge Renewal program.

Legal/Statutory

The Local Government Act 2020 Section 109 (2) requires that the Chief Executive Officer ensures that any report to the Council that recommends entering into a procurement agreement includes information in relation to any opportunities for collaboration with other Councils or public bodies which may be available.

Social and Diversity

Councils responsibility to maintain the road network requires this bridge to upgrade due to poor asset condition.

Equity Impact Assessment (EIA)

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

Environmental/Sustainability Impacts

A Works on Waterway permit will be required from NECMA.

Strategic Links**Council Plan 2021 – 2025 wromg**

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

1. Strengthening our Leadership

1.3.2 Engage in meaningful dialogue with the community and demonstrate how community participation is being used to inform decisions.

Risk ManagementRisk Management Framework

Risks	Likelihood	Consequence	Rating	Mitigation Action
Not achieving the proposed timelines	Possible (3)	Moderate (3)	Medium (6)	Project manager to monitor
Unsatisfactory quality of works	Possible (3)	Moderate (3)	Medium (6)	Project Manager to monitor

Consultation/Communication

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

Options for Consideration

1. Award contract 65399 Redcamps Bridge to Waratah Construction Pty Ltd and increase the project budget.
2. Not award contract 65399 Redcamps Bridge to Waratah Construction Pty Ltd and retender publicly as per Council's procurement policy.

Conclusion

Following an internal evaluation against pre-determined evaluation criteria and weightings, contract 65399 Redcamps Bridge is recommended to be awarded to Waratah Construction Pty Ltd.

Attachments

- 1 65399 Redcamps Bridge - Evaluation Report - Confidential

14.4 PR0258 Annual Reseal (22:10)

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	27 August 2024
Category:	Strategic
Author:	Acting Delivery & Contracts Coordinator
Approver:	Director Community and Infrastructure

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 with the recommendation to award Contract 2024/25 Annual Reseal Program.

Resolution:

(Moved: Councillor I Grant/Councillor H Benton)

That Council:

1. Awards Contract 2024/25 Annual Reseal Program to Boral Resources Pty Ltd.
2. Authorises the Chief Executive Officer to sign and seal all the relevant contract documents for the 2024/25 Annual Reseal Program.
3. Discloses the contract price of the 2024/25 Annual Reseal Program.

For: Unanimous

Against: -

The contract price was disclosed as \$750,924.84

Carried

Background

As part of the Rural City of Wangaratta's asset renewal program, Council completes an annual Road reseal program based on road condition data. The reseal program consists of the preparation for and bitumen sealing of selected roads in urban and rural areas.

- Supply and spreading aggregate
- Design of bitumen/binder application rates supply;
- Delivery and application of binder including additives;
- Loading; heating and mixing of materials
- Carry out all Spray Sealing works
- Carry out all incidental works (line marking, traffic management)

Implications

Policy Considerations

Council's procurement policy outlines the approved methods and processes for procurement. Collaborative procurement was not considered for this procurement.

Financial/Economic Implications

Council's 2024/25 capital works budget has \$850,000 (ex GST) allocated to the Annual Reseal Program. Field Services have an allocation of \$100,000 therefore there is \$750,000 ex GST allocation to the resealing program.

Legal/Statutory

The Local Government Act 2020 Section 109 (2) requires that the Chief Executive Officer ensures that any report to the Council that recommends entering into a procurement agreement includes information in relation to any opportunities for collaboration with other Councils or public bodies which may be available.

Social and Diversity

Works will effectively limit road use for a short period whilst each road on this year's program is resealed.

Equity Impact Assessment (EIA)

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

Environmental/Sustainability Impacts

By resealing the roads, it is expected that the road life will be improved without major reconstruction works occurring. This approach will have a reduced impact on the environment.

Strategic Links

Council Plan 2021 – 2025

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

1. Strengthening our Leadership

1.3.2 Engage in meaningful dialogue with the community and demonstrate how community participation is being used to inform decisions.

Risk Management

Risk Management Framework

Risks	Likelihood	Consequence	Rating	Mitigation Action
Not achieving the proposed timelines	Possible (3)	Moderate (3)	Medium (6)	Project manager to monitor
Unsatisfactory quality of works	Possible (3)	Moderate (3)	Medium (6)	Project Manager to monitor

Consultation/Communication

As the project is reinstating existing infrastructure with no change of service it is the Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Options for Consideration

1. Award contract 2024/25 Annual Reseal Program to Boral Resources Pty Ltd.
2. Not award contract 2024/25 Annual Reseal Program to Boral Resources Pty Ltd and retender publicly as per Council's procurement policy.

Conclusion

Following an internal evaluation against pre-determined evaluation criteria and weightings, Contract 2024/25 Annual Reseal Program is recommended to be awarded to Boral Resources Pty Ltd.

Attachments

- 1 Evaluation Report - 2024-25 Annual Road Reseal Program - Confidential

14.5 Community Grants Recommendations 2024-25 (24:39)

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	27 August 2024
Category:	Strategic
Author:	Community and Recreation Coordinator
Approver:	Director Community and Infrastructure

The following Council officers and contractors have provided advice in relation to this report and have disclosed a conflict of interest regarding the matter under consideration:

•**Officers:** Rebecca Sacco, Grant Assessor, Member of Everton Tennis Club. Recused self from conversations and scoring as per advice from Governance.

*Cr Harvey Benton left the meeting at 6:25 pm having previously declared a Conflict of Interest.
Cr Harvey Benton returned to the meeting at 6:26 pm.*

Executive Summary

This report is presented to Council to approve Community Grant applications for 2024/25

The Community Grants Program supports local projects, programs and events with community groups and organisations who work to enhance the social, cultural, and environmental experience of local residents.

Community organisations can apply for funding for programs of work that deliver on outcomes from the Council Plan, from \$1,000 to \$10,000 per year.

Recommendation:

That Council:

1. Approves the recommended applicants for the 2024/25 Community Grants as per the attached recommendation.

Councillor I Grant moved a motion:

To defer the decision until the next Council Meeting on Monday 16 September 2024.

Seconded by Cr A Fitzpatrick.

For: Unanimous

Against: -

Background

The Community Grants Program opened between 15 May and 2 July 2024. Community Grants were promoted via the Rural City Connections in the Wangaratta Chronicle, radio, council social media, council website, council newsletters and direct emails to community groups and organisations.

Community and Recreation team members held drop-in sessions around the rural communities and in Wangaratta.

Applications have been assessed in a two-stage assessment:

Stage 1 – Eligibility – All applications assessed by Community Groups Officer and Community and Recreation Coordinator to determine eligibility against criteria outlined in the Community Grants Guidelines. Two applications were determined to be ineligible, one as it was put forward by a business and another as it was for installation of equipment at a private house.

Stage 2 - 52 applications were assessed by the Assessment Panel. The panel was made up of five Council staff who are from various Council directorates and teams and were able to provide expertise in different areas.

Implications

Policy Considerations

The Community Grants Program is informed by Council's Grants and Sponsorships Policy (2021)

Financial/Economic Implications

The Community Grants Program has a budget of \$160,000. Some projects have been funded lesser than requested amounts, but only where the applicant has indicated they have capacity to deliver with less funding.

In 2024/25 \$20,000 of the \$160,000 budgeted was designated for historic preservation projects in the community.

Legal/Statutory

A number of projects will require planning and building permits and will be notified of such as part of their approval process.

Social and Diversity

The granting of funds to community groups achieves social outcomes that benefit our community. Other social implications relate to the impact unfunded projects may have on community initiatives and projects. All unsuccessful projects are supported to develop their projects and applications to strengthen future funding opportunities – both within Council and through other funding opportunities.

Equity Impact Assessment (EIA)

Equity questions are part of the application, and assessment of grant submissions takes into consideration the social impact of projects for communities.

Environmental/Sustainability Impacts

Environment and sustainability questions are asked as a part of the application process, and assessment of submissions considers these

Strategic Links**Council Plan 2021 – 2025**

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

2. Nurturing our Wellbeing

- 2.1.1.3 Support the development and delivery of community driven mental health and wellbeing projects through Council's Community Grants Program
- 2.3.1.5 Support the delivery of LGBTQIA+ programs and services, such as the Rainbow Ball.
- 2.3.2.2 Continual review and improvement of community grant programs across Council, based on feedback, trends and best practice.

3. Valuing our Environment

- 3.1.2.5 Ensure that the Council Community Grants Program supports environmentally sustainable projects.

5. Enhancing Our Lifestyle

- 5.5.1.3 Continue to explore and advocate for the availability of accessible community creative exhibition spaces throughout our municipality.

Rural City of Wangaratta 2033 Community Vision

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

- H2 Facilitate and support strong, accessible, and sustainable community groups that add vibrancy to our community
- H3 Increase opportunities for people to connect to their community and each other
- I1 Deliver and support programs that increase participation in physical activity
- I3 Facilitate improved access to healthy food and beverages
- I4 Take action to address food security challenges within our community
- X1 Increase the exposure and experience of art for our community and visitors
- Y2 Support the delivery of events throughout the municipality that provide social, cultural and economic benefits

Risk Management

Due to the competitive nature of the Community Grants Program, the number of applications far exceeds the funding available. Programs not funded to the requested amount may not be able to be delivered, and Council officers will undertake conversations with the recipients about their capacity to deliver on a lesser amount before funding is awarded.

Council officers will provide feedback to unsuccessful applicants when requested and provide information about alternative funding opportunities through discussions with applicants and through Council's External Grants webpage.

To mitigate any risk in the event that successful applicants are unable to deliver projects or will require an extension the Community and Recreation team will monitor projects throughout the project delivery period and stay on top of any issues as they arise, ensuring positive outcomes.

Recipients will also be required to acquit their year's expenditure, and have that acquittal presented to Council.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Disappointed applicants – due to the competitive nature of the Community Grants Program, the number of applications far exceeds the funding available.	Possible	Minor	Medium	Council officers to provide feedback to unsuccessful applicants when requested and provide information about alternative funding opportunities.
Successful applicants may be unable to deliver	Possible	Minor	Medium	Community and Recreation team will monitor projects throughout delivery period to stay on top of issues as they arise.
Increasing scope of community grants program to include specific focus on accessibility and inclusion (2021) and Mental Health (2022 as per council plan) without any funding increase can lead to further over-subscription of the grant program.	Probably	Minor	Medium	Consider the budget allocation for community grants, as well as development of targeted promotions of these targets.

Consultation/Communication

The Community Grants Program opened between 15 May and 2 July 2024. Community Grants were promoted via the Rural City Connections in the Wangaratta Chronicle, radio, council social media, council website, council newsletters and direct emails to community groups and organisations.

Community and Recreation team members held drop in sessions around the rural community in Eldorado, Milawa, North Wangaratta, Whorouly, Whitfield, Glenrowan and Wangaratta. Officers had

conversations or meetings with the following organisations to discuss their applications: including Wangaratta District Men's Shed, Greta Sporting Complex, Glenrowan Primary School, Eldorado Museum, Oxley Residents Association, Bobinawarra Hall, Nth Wangaratta FNC, Wangaratta Players, NE Windsports, Nth Wang Community Group, Moyhu Action Group, Wangaratta Artist Society, Murrumbidgee Hall

Upon endorsement, successful and unsuccessful applicants will be notified by email. Information about successful applicants will be made available through Council's website, social media and media release.

Options for Consideration

1. That Council endorse the Community Grants Assessment Panel's recommendation.
2. That Council reconsiders all submitted projects and the assessment process.

Conclusion

With assessment now complete, projects for funding have been listed in this report for Council's consideration.

Attachments

- 1 Recommended Grants - Confidential

14.6 Community Asset Committee Nominations (26:40)

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	27 August 2024
Category:	Strategic
Author:	Community and Recreation Coordinator
Approver:	Director Community and Infrastructure

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

Executive Summary

This report is presented to Council to endorse the nominations of volunteers to committees of management (COM) under the Community Asset Committee Instrument of Delegation at the following:

1. Oxley Shire Hall
2. Whitfield Recreation Reserve
3. Everton Hall & Recreation Reserve
4. Edi Upper Hall & Reserve

These are additional community members who have requested spots on their local committees of management since the last Council Meeting, and Council officers are in support. The nominations are for a period of three years. A list of nominated members is attached.

Resolution:

(Moved: Councillor H Bussell/Councillor A Fitzpatrick)

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

1. Oxley Shire Hall
2. Whitfield Recreation Reserve
3. Everton Hall & Recreation Reserve
4. Edi Upper Hall & Reserve

For: Unanimous

Against: -

Cr Bussell announced the successful nominees:

- | | | |
|------|---------------|------------------|
| i. | Joan Maher | Oxley Shire Hall |
| ii. | Clare Cowdery | Oxley Shire Hall |
| iii. | Erica Pike | Oxley Shire Hall |
| iv. | Jason Mullins | Oxley Shire Hall |

v.	Rachel Vallender	Oxley Shire Hall
vi.	Paula McGavin	Oxley Shire Hall
vii.	Bruce Ubergang	Oxley Shire Hall
viii.	Bruce Ubergang	Whitfield Recreation Reserve
ix.	April Allsop	Whitfield Recreation Reserve
x.	Stephen Allsop	Whitfield Recreation Reserve
xi.	Peter Burrowes	Whitfield Recreation Reserve
xii.	Bruce Johnson	Whitfield Recreation Reserve
xiii.	Cathy Collins	Whitfield Recreation Reserve
xiv.	Jo Fitzgerald	Edi Upper Hall
xv.	Angus Fitzgerald	Edi Upper Hall
xvi.	Gerard O'Neill	Everton Hall and Recreation Reserve

Carried

Background

The Instrument of Sub-Delegation details that all appointments to the Community Asset Committees will be made by Council in accordance with the Council policy governing appointments to Council Committees. Community Asset Committees manage Council-owned rural halls and reserves, providing a social hub for their local community. Their work is integral to the fabric of our rural communities.

Implications

Policy Considerations

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

Financial/Economic Implications

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

Legal/Statutory

The requirements for nominations is made in accordance with the Local Government Act and Council's Instrument of Sub-delegation

Social and Diversity

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

Environmental/Sustainability Impacts

Community Asset Committees are responsible for the management of any environmental issues relating to the land upon which their facilities are situated.

Equity Impact Assessment (EIA)

An Equity Impact Assessment is not required for this report.

Strategic Links

Council Plan 2021 – 2025

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

1. Strengthening our Leadership

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

2. Nurturing our Wellbeing

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

4. Expanding our Economy

- 4.4.2 Enhance the activity in our rural townships

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Whitfield is a new committee that has reformed after the last committee had not met requirements. There is a risk the committee could continue to not meet these requirements	Possible	Moderate	Medium	Community and Recreation team will continue to work closely with the committee to ensure good governance, and skill development.
Governance risk associated with the sub- delegation of powers from the CEO to Community Asset Committees	Possible	Moderate	Medium	The appointment of members by a formal resolution of Council reduces governance risk by ensuring that all members appointed to a committee are covered by Council's public liability insurance.

Consultation/Communication

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

Options for Consideration

- That Council endorses the nominations to the following Community Asset Committees

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

Conclusion

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

Attachments

- 1 Community Asset Committee Nominations - Confidential

15. Sustainability and Culture

15.1 Road Deviation and Land Exchange at Old Hume Highway Glenrowan (30:13)

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	27 August 2024
Category:	Strategic
Author:	Manager Statutory Services
Approver:	Director Sustainability and Culture

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 matter deals with a road deviation arising out of a subdivision on land at 246 Old Hume Highway, Glenrowan. A report to the May Council meeting sought approval to go through the statutory process to formalise the road deviation.

Following the May Council meeting this matter was placed on notice and public submissions were invited. No submissions to the proposal were received.

This report is presented to Council to seek Council's approval to finalise the matter as per the recommendation.

Resolution:

(Moved: Councillor I Grant/Councillor H Bussell)

That Council:

Having followed the required statutory procedures under clause 2 of Schedule 10, sections 206, 207 and 223 of the *Local Government Act 1989 (LGA1989)*, section 114 of the *Local Government Act 2020 (LGA 2020)*, and having received no submissions in response to its public notice:

1. resolves to deviate part of the government roads abutting 246 Old Hume Highway, Glenrowan (Roads), which comprises the following:
 - a) the part of the Roads shown cross hatched on the plan contained in **Attachment 1** to this report (**shown in blue as Unused Road**), which will be discontinued and transferred to Council;
 - b) the part of the Roads shown hatched on the plan contained in **Attachment 1** to this report (**shown in orange and pink as Constructed Road**), which will be designated as a road and vested in Council;

(together the **Road Deviation**) and

2. subject to Council first resolving to proceed with the Road Deviation, resolves to complete the transfer of the Unused Road to the adjoining owner (**Land Exchange**);
3. resolves to accept a transfer of land shown hatched on the plan contained in **Attachment 2** to equalise the area of land exchange (**Additional Land**);
4. directs that a notice under clause 2(3) of Schedule 10 of the LGA1989 be published in the *Victoria Government Gazette* to give effect to the Road Deviation; and
5. authorises the Chief Executive Officer to sign any documents necessary to give effect the Road Deviation, Land Exchange and the transfer of the Additional Land.

For: Unanimous

Against: -

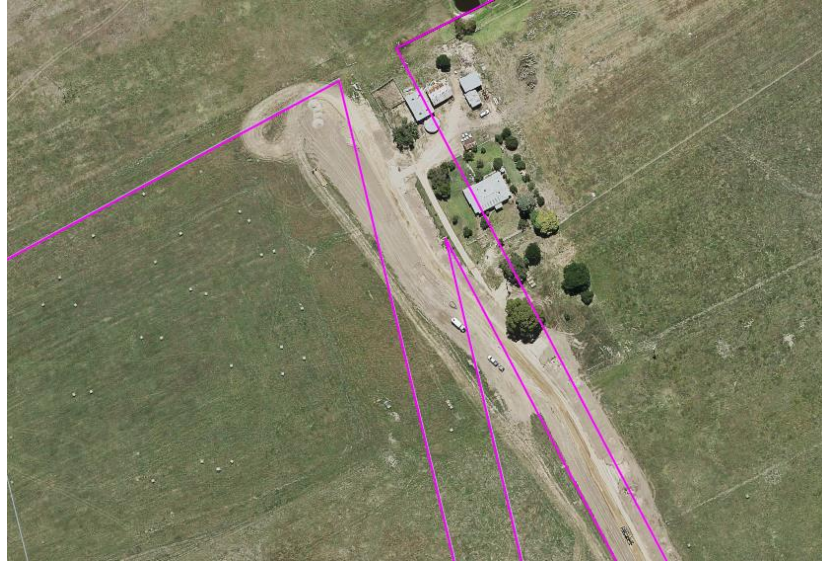
Carried

Background

1. This matter arises out of a subdivision of land known as 246 Old Hume Highway, Glenrowan. Planning permit PInApp18/160 allowed for subdivision of this land in stages. To facilitate the subdivision a road deviation was needed due to the existing dwelling remaining partly within an existing road reserve (see aerial photograph below taken in 2017).

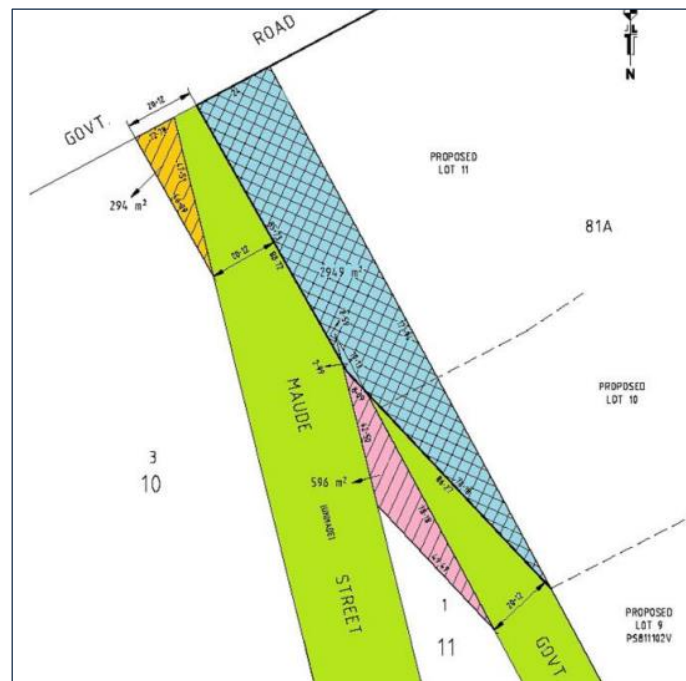


The aerial photograph below taken in 2022 shows the constructed road was physically deviated away from the dwelling.



2. This report seeks approval to finalise the statutory process to formalise the road deviation under the required legislation.
3. The physically constructed government road known as Maude Street, Glenrowan and an unnamed government road (together, the **Roads**), which abut properties owned by Warby Range Estate Pty Ltd ACN 144 806 717 (**Adjoining Owner**), do not accord with the title boundaries of those Roads as shown on the relevant certificates of title. Specifically:
 - a) parts of the Roads are constructed on:
 - i) the land contained in certificate of title volume 10907 folio 931 (as shown coloured orange and hatched on the Site Plan below and attached to this report at **Attachment 1 (Site Plan)**); and
 - ii) the land contained in Crown grant volume 5059 folio 797 (shown coloured pink and hatched on the Site Plan),

(together, the **Constructed Road**); and
 - b) part of the Roads are fenced within the land contained in certificate of title volume 12323 folio 190 where the existing dwelling is located, as shown cross-hatched and coloured blue on the Site Plan (**Unused Road**).



Site Plan

4. If the Road Deviation is completed, its effect will be to:
 - a) designate the Constructed Road as a “road” for the purpose of the *Local Government Act 1989*, which will vest in Council at law; and
 - b) vest the Unused Road in Council at law, pursuant to section 207B(2A) of the *Local Government Act 1989*.
5. Subject to Council making a decision to finalise the Road Deviation, the parties have agreed to realign the title boundaries of the Adjoining Owner’s properties, so that they are consistent with the location of the Government Roads (as constructed) and the parties current use and occupation, as described in the recommendation above.
6. The parties have agreed to enter into a heads of agreement to document the “in principle” agreement of the parties, subject to Council:
 - a) complying with its statutory obligations in respect of the proposed Road Deviation and Land Exchange; and
 - b) making a decision to proceed with finalisation of the Road Deviation and Land Exchange.

Implications

Policy Considerations

This matter has been considered to be in line with the required legislation including the *Planning and Environment Act 1987*, *Road Management Act 2004* and the *Local Government Acts 1989 and 2020*.

Financial/Economic Implications

- Council and the Adjoining Owner have agreed that no monetary consideration is payable for the transfer of the Unused Road to the Adjoining Owner and the Constructed Road will vest in Council pursuant to the Road Deviation.
- The Adjoining Owner has paid the costs in connection with the Road Deviation and Land Exchange.

Legal/Statutory

Other than Council's obligations to comply with its statutory obligations as outlined in this report, there are no legal/statutory implications identified for the subject of this report.

Social and Diversity

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

Equity Impact Assessment (EIA)

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

Environmental/Sustainability Impacts

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

Strategic Links

Council Plan 2021 – 2025

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

1. **Strengthening our Leadership**
Provide open and transparent communication to the community to build trust, respect and understanding.
2. **Growing with Integrity**
Facilitate long term residential growth opportunities.

Rural City of Wangaratta 2033 Community Vision

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

- An effective and efficient Council

- The right growth in the right areas

Other Policies and Strategies

Council Land Disposal Policy 2023

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Council doesn't approve proposal	low	moderate	3	Revise proposal
Landowners can't get a title and therefore build	medium	moderate	3	Revise proposal

Consultation/Communication

Council has been liaising with the Adjoining Owner (being the only landowner directly affected by the Road Deviation) in respect of the Road Deviation since the subdivision was proposed in 2018 and proposes to enter into an agreement with the Adjoining Owner to document the "in principle agreement" between the parties for the Road Deviation and Land Exchange.

Public notice of the proposed Road Deviation and Land Exchange was given in accordance with section 207A of the *Local Government Act 1989* and section 114 of the *Local Government Act 2020*. No public submissions to the proposal were received.

Options for Consideration

Council may either:

- resolve to finalise the statutory process following commencement of the process approved at the May Council meeting; or
- resolve not to finalise with the Road Deviation and Land Exchange.

Conclusion

For the reasons set out in this report, it is recommended that Council proceed with the finalisation of the proposal as set out in the recommendation.

Attachments

- Attachment 1 - Site Plan 
- Attachment 2 - Title Plan 

15.2 Land Exchange - 84 Parfitt Road, Wangaratta (31:46)

Meeting Type:	Scheduled Council Meeting
Date of Meeting:	27 August 2024
Category:	Strategic
Author:	Manager Statutory Services
Approver:	Director Sustainability and Culture

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

Executive Summary

A land exchange is proposed to provide access to a lot created by a subdivision of land at 84 Parfitt Road, Wangaratta. This report deals with the statutory process required for this land exchange.

At June 2024 Council meeting Council resolved to give notice of the proposed land exchange and consider submission received at a future meeting. This report is presented to Council to:

- a) Advise Council of the outcome of the Notice period;
- b) To seek approval to finalise the statutory process for the land exchange.

Resolution:

(Moved: Councillor I Grant/Councillor H Benton)

That Council:

having followed the required statutory procedures under section 114 of the *Local Government Act 2020* (LGA2020), and having received no submissions in response to its public notice:

1. in consideration of the Adjoining Owner transferring part of a parcel of land approximately 47m² in size, being part of the land in certificate of title volume 10950 folio 876 and known as 84 Parfitt Road, Wangaratta (Parcel A) to Council, resolves to transfer a parcel of land approximately 47m² in size, being part of the municipal reserve known as 11 Laidler Close, Wangaratta, being the land contained in certificate of title volume 12152 folio 334 (Parcel B) to the owner of the Adjoining Owner (Land Exchange).
2. notes that Parcel B is public open space for the purposes of the *Subdivision Act 1988* (Vic) (Subdivision Act) and that acquisition of Parcel A constitutes the acquisition of replacement public open space for the purposes of section 20(4) of the Subdivision Act.
3. resolves to do all matters necessary to procure registration of a plan of subdivision under section 24 of the Subdivision Act which creates a separate title to, and removes the reserve status of, Parcel B; and
4. authorises the Chief Executive Officer to sign any documents necessary to give effect to the Land Exchange.

For: Unanimous

Against: -

Carried

Background

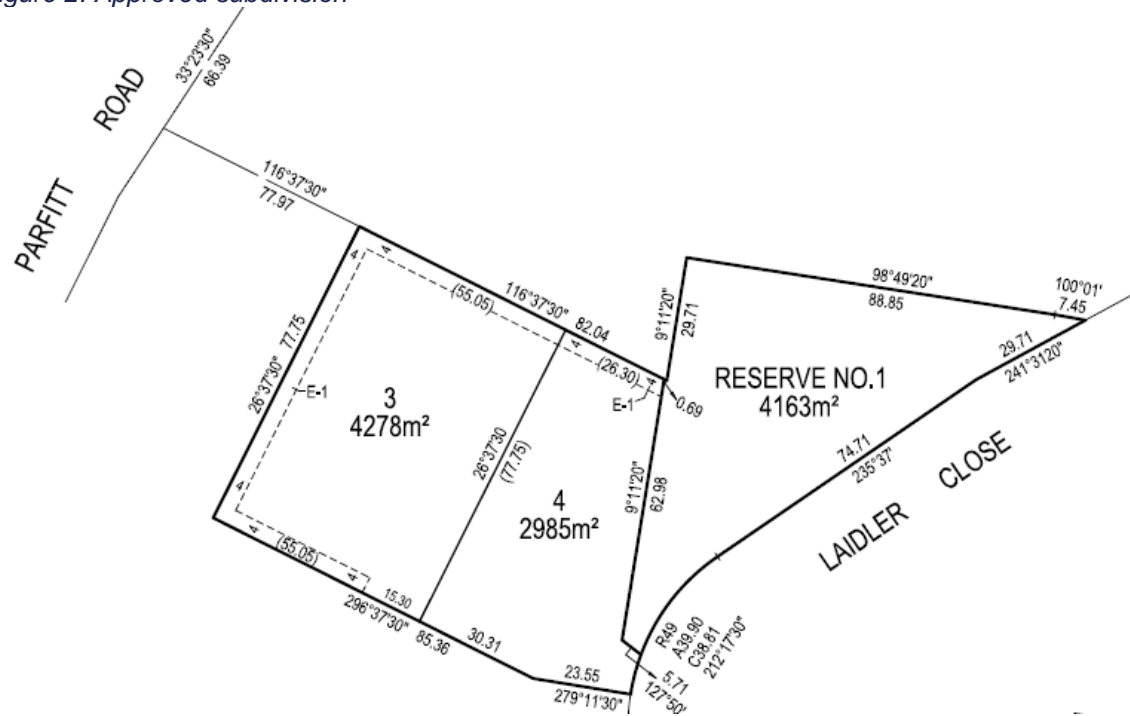
The land at 84 Parfitt Road currently comprises one lot (shown in green outline in *Figure 1* below) adjacent to a Council reserve (shown in red outline in *Figure 1* below).

Figure 1: Current lot layout



Planning Permit PlnApp22/243 allows for the subdivision of the land at 84 Parfitt Road, Wangaratta. The approved subdivision is shown in *Figure 2* below.

Figure 2: Approved subdivision



The subdivision is dependant on access being obtained from Laidler Close to proposed Lot 4 and this requires a land exchange between Council and the owners of 84 Parfitt Road. *Figure 3* below shows the proposed land exchange conceptually. The part indicated in yellow is currently part of a Council reserve and is proposed to be exchanged for the private land indicated in pink. These two areas are the same size.

Figure 3: Proposed land exchange



Section 114 of the *Local Government Act 2020* requires Council to publish notice of its intention to sell or exchange land. This process has been undertaken and no public submissions were received. The matter is now ready for finalising of the statutory process.

Implications

Policy Considerations

This matter has been considered to be in line with the required legislation including the *Planning and Environment Act 1987* and the *Local Government Acts 1989 and 2020*.

Financial/Economic Implications

The costs associated with the land exchange process will be met by the owners of 84 Parfitt Road, Wangaratta.

Legal/Statutory

Council's obligations to comply with its statutory obligations are outlined in this report.

Social and Diversity

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

Equity Impact Assessment (EIA)

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

Environmental/Sustainability Impacts

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

Strategic Links

Council Plan 2021 – 2025

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

1. Strengthening our Leadership

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

2. Growing with Integrity

Facilitate long term residential growth opportunities.

Rural City of Wangaratta 2033 Community Vision

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

- An effective and efficient Council.
- The right growth in the right areas.

Other Policies and Strategies

Council Land Disposal Policy 2023

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Landowners can't complete the subdivision due to land exchange not being approved	low	moderate	3	Revise proposal

Consultation/Communication

Council officers have been liaising with the owners of 84 Parfitt Road about the proposed land exchange.

Council has given public notice of the proposed land exchange in accordance with the *Local Government Act 2020*, and no public submissions were received.

Options for Consideration

Council may either:

- a) resolve to complete the statutory process to finalise the land exchange; or
- b) resolve not to proceed with the Proposal.

Conclusion

For the reasons set out in this report, it is recommended that Council proceed with the Proposal as set out in the Recommendation.

Attachments

Nil

16. Special Committee Reports

Nil

17. Advisory Committee Reports

17.1 Biannual Audit and Risk Report (33:00)

Meeting Type: Scheduled Council Meeting
Date of Meeting: 27 August 2024
Author: Governance & Reporting Advisor

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

Executive Summary

This report is presented to Council to note the Audit and Risk Committee's Biannual Audit and Risk Report. This report was prepared by Council's Governance and Reporting Advisor in July 2024 to outline the activities of the Audit and Risk Committee in the first half of 2024, and was endorsed by the Audit & Risk Committee on 6 August 2024. This report is a requirement of the *Local Government Act 2020* (Vic) and this report is for Councillors noting only.

Resolution:

(Moved: Councillor A Fitzpatrick/Councillor I Grant)

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

For: Unanimous

Against: -

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 January 2024 – 30 June 2024.

The attached biannual audit and risk report (**Attachment 1**) was also presented at the 6 August 2024 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

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 

18. Minutes of Advisory Committee Meetings

18.1 Minutes of Advisory Committee Meetings (33:51)

Meeting Type: Scheduled Council Meeting
Date of Meeting: 27 August 2024
Author: Councillor and Executive Services Support Officer

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

Executive Summary

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

Date	Meeting details	Refer
14 May 2024	Audit and Risk Committee	Attachment

Resolution:

(Moved: Councillor A Fitzpatrick/Councillor D Fuller)

That Council notes the minutes of these Advisory Committees.

For: Unanimous

Against: -

Carried

Attachments

- 1 14 May 2024 Audit and Risk Committee Minutes (Confirmed).pdf 

19. Notices of Motion

Nil

20. Urgent Business

21. Public Question Time

21.1	<p>Peter Forsyth (34:35)</p> <p>Questions from Peter Forsyth (20 year Wangaratta rate payer) As an interested voter in the Wangaratta Council elections scheduled for October 2024, I submit a couple of questions that will inform my decision making.</p> <p>Question 1 Given a basic KEY CRITERIA for 'rezoning' of land is PROVEN demand for additional housing in a particular area, where is the SPECIFIC data (from ORIGINAL or maybe subsequent investigations) that clearly evidences demand for ANY type of increased density housing (currently FZ land) Sth of Clarkes Lane? If available, please show this data. I am assuming decisions made by 'Wangaratta Planners' was 'evidenced based' in order to prioritize 'human life' as referenced in the 2019 Urban Enterprise LDRZ and RRZ Strategy? If there is indeed NO SPECIFIC data, how is it ethical to continue with this risky proposal given the recent Wangaratta 'RED ZONE' flood risk rating in an independent 'Climate Valuations' report on A.B.C. June 13 2024? Victorian Water and Housing Minister Harriet Shing appeared on this ABC segment. https://www.youtube.com/watch?v=MaVsvsy6bB8</p> <p><i>Director Stephen Swart responded:</i> A land supply and demand analysis for the municipality was completed as part of the draft Low Density and Rural Residential Strategy prepared by Urban Enterprise and considered by Council in 2021. The analysis found that there was a need to rezone land to the Low Density Residential and Rural Living Zones. This report is available on Council's website. The draft strategy then considers candidate areas against a set of criteria to determine preferred areas for potential future rezoning. The criteria included flooding, bushfire risk, infrastructure, existing planning policy and housing needs. Flooding was considered in accordance with existing flood overlays within the Wangaratta Planning Scheme.</p> <p>Question 2 As the Wangaratta Urban Enterprise 2019 LDRZ and RRZ Strategy continues to drag on with no NEW Low Density lots created within the Rural City of Wangaratta in 5 years, what is the current position of Wangaratta Council regarding the progress (timeline) of this perplexing strategy?</p>
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	<p>Disappointingly during this time, the cost of an LDRZ lot in Wangaratta has risen from an affordable \$280000 in 2019 to a stagnant/limiting \$505000 in 2024 largely due to a chronic decade long undersupply.</p> <p>Importantly, over the past 3 months, there has been a documented 5 land sales (Land, Rural, Acreage) in Wangaratta Vic, 3677 according to - realestate.com</p> <p>Given this alarming sales data, has priority been given by Wangaratta Council to prioritising this 2019 Low Density strategy to enable a 'diversity of housing' that will hopefully breathe 'new life' into Wangaratta businesses and residents alike?</p> <p><i>Director Stephen Swart responded:</i></p> <p>Council adopted the rural component of Low Density and Rural Residential Strategy prepared by Urban Enterprise in December 2021. The adopted parts of the strategy have been drafted into a Planning Scheme Amendment which has received Ministerial authorisation and is currently on public exhibition.</p> <p>The Wangaratta part of the strategy, that Council did not adopt, required further investigation. This work has been completed and is planned to be presented to Council in September. Once adopted, further work will be required prior to the rezoning of land through a planning scheme amendment process which will include public exhibition of proposed changes to the Wangaratta Planning Scheme.</p>
21.2	<p>Anne Dunstan (44:30)</p> <p>Question 1</p> <p>Regarding the re-sheeting program for our public roads, is that publicly available to that we can see where our roads sit against the rating systems, so that we have a predictability about which roads are more likely to be repaired than others?</p> <p><i>Director Marcus Goonan responded:</i></p> <p>Not yet. It is something that we are working on because we understand that that would make it a lot easier for everyone, a little bit like bin night, to be able to look up when my road is going to be done. So we are looking to implement something like that over the next 12 months. You can also just put in a CR [customer request] and we'll be able to tell you generally where you sit on the list so that'll give you the month range at least, but we don't have a full list.</p> <p>Question 2</p> <p>When that list is potentially being created or thought about, is it a possibility to see whether your road has been reported already, rather than receiving multiple reports from the same neighbourhood, which increases your work load in turn?</p> <p><i>Director Marcus Goonan responded:</i></p> <p>Our Customer Request system already joins similar like requests together so we actually do see that, and the teams out in the field get a list of that as well, so, to answer your question, no, you don't directly see that, but it doesn't actually increase the amount of work for the teams because it is done in the background.</p>

22. Confidential Business

Nil

23. Closure of Meeting

The Meeting closed at 6:47pm.