



Rural City of
Wangaratta

Minutes

For the Ordinary Council Meeting
Carboor Soldiers Memorial Hall and Recreation Reserve - Carboor-Everton Road,
Carboor 3678 **29 March 2022**

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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:

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

Officers:

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

4. Absent

Nil

5. Acceptance of Apologies & Granting of Leave of Absence

Order of Business

6. Citizen Ceremony

Nil

7. Confirmation of Minutes

(Moved: Councillor D Fuller/Councillor I Grant)

That Council read and confirm the Minutes of the Ordinary Meeting of 22 February 2022 as a true and accurate record of the proceedings of the meeting with the following amendment:

Public Question Time refers to David Moroni and should read David Moroney.

Carried

8. Conflict of Interest Disclosure

Mayor Dean Rees declared a material conflict of interest in relation to 16.4 Planning permit application PlnApp21/213 - 8 Fairway Drive Waldara - Development of Five Dwellings and Five Lot Subdivision as he owns property within the estate.

9. Reception of Petitions

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

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

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

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

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

Nil.

10. Hearing of Deputations

Nil.

Presentation Of Reports

11. Councillor Reports

Cr. Bussell.

"Thank you Mr Mayor. This report is to do with the drought bores and the grant Council secured for \$545,000 after the drought and bushfires events. I said at the time that this is a very important project. There are ten bores so we commenced drilling and there is one just right here beside where we are tonight.

Bore 1 (Hughes Rd Springhurst) Abandoned no indicators of a water source.

Bore 2 (Cluggs - Campbell Rd Springhurst) Bore Drilled and Capped. Earthworks being completed next week. In the next 2 weeks Solar, Tanks, pipework, standpipe, slab and shed will be installed and plumbed. New larger pump, solar and sub is on its way, had to upgrade pump due to depth.

Bore 3 (Existing Greta West) Tank installed and plumbed. Currently operational, will install pipework for Goulburn Murray Water (GMV) meter next week. (Meter to be installed when requested by GMV)

Bore 4 (Myrrhee) Got suspended.

Bore 5 (Existing Murrungee) Tank installed and plumbed. Currently operational, will install pipework for GMW meter next week. (Meter to be installed when requested by GMV)

Bore 6 (Carboor) Bore complete, pump installed, Solar installed, Tanks in and plumbed, Standpipe in and plumbed. These bores will be used for council roadworks, for the CFA and anybody who runs that water in a drought which I said at the time was really important that exits for a long time for water security.

Bore 7 (Killawarra) Abandoned due to depth and cost.

Bore 8 (Edi Upper) Bore complete, pump installed, Solar installed, Tanks in and plumbed, Standpipe in and plumbed, Slab to be poured in the next week then shed will be installed with remaining equipment. Earthworks finalised next week also.

Bore 9 (Laceby) Bore complete. Earthworks being completed next week (some minor clean-up of road shoulder to be completed on site is finished) Transfer pump solar is in, Tanks are installed and plumbed. Standpipe in and plumbed. New larger pump is on its way with solar and sub, had to upgrade pump due to depth. Slab poured yesterday and shed will be installed by end of week.

Bore 10 (Cheshunt) Bore complete. Solar is in, Tanks are installed and plumbed. Standpipe in and plumbed. Slab to be poured next week and shed the following week. Remaining equipment will be installed then.

McMahons Rd (Existing Drought Bore) will have an additional 2 tanks installed and plumbed by the end of April.

Boorhaman (Existing Drought Bore at CFA Shed) will have an additional 2 tanks installed and plumbed by the end of April. Just waiting on the CFA assets team to sort out another agreement.

All works will be completed by the 30th April which is only a month away. To have water security is important and this project this will change people's lives to know that they have water and they can come and get water and there is no charge for it "

(Moved: Councillor D Fuller/Councillor A Fitzpatrick)

Councillor D Fuller moved a motion:

That Cr. Bussell's report be noted in the minutes.

Carried

(Moved: Councillor D Rees/Councillor H Bussell)

Councillor D Rees moved the following motion:

That the order of business be amended to deal with items 16.3 and 16.4.

The motion was seconded by Councillor H Bussell.

Carried**Officers' Reports****12. Executive Services**

Nil

13. Community Wellbeing

Nil

14. Corporate Services

14.1 Revocation of Related Parties and Interests Policy

Meeting Type:	Ordinary Council Meeting
Date of Meeting:	29 March 2022
Author:	Governance and Reporting Advisor
File No:	IC22/145

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 revoke the Related Parties and Interests Policy 2017.

Following changes in legislation, Council's Related Parties and Interests Policy 2017 is no longer relevant or required. It is therefore recommended that the policy be formally revoked and removed from Council's policy register.

(Moved: Councillor J Herry/Councillor I Grant)

That Council revokes the Related Parties and Interests Policy 2017.

Carried

Background

The Related Parties and Interests Policy 2017 was adopted by Council at its Ordinary meeting held 19 September 2017. A copy of the policy is attached to this report at Attachment 1.

The policy establishes the requirements for the lodgment of Primary and Ordinary Returns as required by section 81 of the *Local Government Act 1989*.

It is recommended that this policy be revoked by formal resolution of Council and removed from Council's policy register for the following reasons:

- Section 81 of the *Local Government Act 1989* has been repealed and is no longer in force.
- The provisions for primary and ordinary returns contained in the *Local Government Act 1989* have been replaced by provisions for personal interests returns in the *Local Government Act 2020*.
- The legal requirements of personal interests returns are set out in the *Local Government Act 2020* and the *Local Government (Governance and Integrity) Regulation 2020*.

Implications

Policy Considerations

The Related Parties and Interests Policy 2017 is no longer required and it is appropriate that the policy be revoked.

Financial/Economic Implications

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

Legal/Statutory

The legal requirements of personal interests returns are set out in the *Local Government Act 2020* and the *Local Government (Governance and Integrity) Regulation 2020*.

Social

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

Environmental/Sustainability Impacts

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

Strategic Links

Council Plan 2021 – 2025

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

1. Strengthening our Leadership

1.2 An efficient and effective Council

Rural City of Wangaratta 2033 Community Vision

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

Leadership: An efficient and effective Council

Risk Management

No risks have been identified with the subject of this report.

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	We will communicate – we will be transparent	Information published on Council website (minutes of decision; current Council policies)

Council's current adopted major policies are published on the Council website. A major policy which has been revoked will be removed from the website.

Options for Consideration

The revocation of the policy is based on changes in legislation. Council may decide to not revoke the policy, however the provisions of the policy are no longer relevant.

Conclusion

Due to changes in legislation, it is appropriate the Related Parties and Interests Policy 2017 be formally revoked.

Attachments

- 1 Related Parties and Interests Policy 2017 

14.2 Quarter 2 Forecast Review

Meeting Type: Ordinary Council Meeting
Date of Meeting: 29 March 2022
Author: Manager Finance
File No: IC22/65

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

Executive Summary

The Quarter 2 Forecast Review is presented to Council to provide an update of Council's year-to-date (YTD) financial performance and expected full year forecast based on developments over the last three months.

(Moved: Councillor A Fitzpatrick/Councillor H Benton)

That Council endorses the Quarter 2 Forecast Review, including

1. The reduction to projected accounting surplus of \$2.75 million
2. The increase to the capital works budget of \$2.42 million
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 budget.

Council's projected accounting surplus has decreased by \$2.93 million to \$7.73m. The projected underlying operating deficit (calculated by removing capital related income from the accounting surplus) has increased by \$3.40m to \$4.79m, largely due to the impact of depreciation and non-recurrent write off of capital works in progress that do not meet asset recognition criteria.

The 2021/22 Capital Works Budget has increased by \$2.42 million to \$30.91 million.

Implications

Policy Considerations

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

Financial/Economic Implications

Rural City of Wangaratta 31 January 2022	21/22 Adopted Budget	21/22 Adopted Quarter 1 Forecast	21/22 Quarter 2 Forecast Review	21/22 Q1 to Q2 Forecast Variance
	\$'000	\$'000	\$'000	\$'000
Income	80,274	82,964	84,605	1,641
Expenses	70,102	72,484	76,878	4,394
Surplus / (deficit) for the year	10,172	10,480	7,727	(2,753)
Capital Works Expenditure	27,282	28,495	30,913	2,418

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*.

Income Statement – Surplus Decrease

Council's Quarter 2 Forecast Review projects a \$2.75 million unfavourable movement to surplus. While Council has been successful in pursuing additional funding by way of non-recurrent operating and capital grants that have increased total income, this is offset by additional obligations as a result of operating grant funding seen through increased materials and services, in addition to projected increases to depreciation and other expenses.

The depreciation forecast has been adjusted following the infrastructure revaluation completed in 2020/21 and a more recent review of useful lives. The full year depreciation forecast is now \$18.68 million, which is a \$1.33 million increase on the Adopted Quarter 1 Forecast.

Other expenditure includes the write-off of works in progress that do not meet the asset recognition criteria. As Council completes capital works projects, the work appears on the balance sheet as works in progress, or WIP. Once the asset is completed, a process is undertaken to recognise these assets in the appropriate class on the balance sheet and commence depreciating them. If through this process any expenditure is identified that cannot be attributed to an asset which Council owns or controls, it must be written off through the income statement. In this case, significant write off has been identified in relation to utility services relocation for the Railway Precinct project, which has influenced the \$2.16 million unfavourable forecast adjustment to other expenses, in addition to other immaterial projects. This is a non-cash item.

Further explanation of year-to-date budget performance and projected full year forecast adjustments can be found in the notes to the attached Income Statement.

Capital Works Program – Increase to Budget

Council's Capital Works Program projected full year forecast has increased by \$2.42 million to \$30.91 million. The increase can be attributed to:

- The addition of new projects including Aerodrome Wildlife Fencing \$225k (partially funded), New Waste Truck \$288k, COVID Safe Outdoor Activation \$460k (fully funded), Transfer Station Upgrades for Glass Collection \$278k (fully funded) and WSAC Gym Equipment \$37k.
- Other budget adjustments made under Council's Budget Variation Policy, including increase to North Wangaratta Lighting Upgrade \$85k, increase to Glenrowan Heritage Project \$1.52 million, increase to Peipers Lane Bridge Reconstruction \$55k, increase to WSAC Extension (multi-year project, expenditure brought forward from 22/23) and decreases to Wangaratta Showgrounds Cricket Club Improvements \$90k and Wangaratta Sports Development Centre Roof Decking and Canopy \$97k. Savings of \$408k have also been identified across road projects and returned under Council's Budget Variation Policy.

Year-to-date delivery of the Capital Works Program is \$7.51 million, with a further \$14.60 million of commitments in place. Weather impacts and the ability to get contractors on site, due to both restrictions and demand in the industry, influence the year-to-date budget variance.

See attached Statement of Capital Works for further detail.

Balance Sheet

Council's working capital is in a strong position at 297% due to borrowings drawn down in 20/21 and the delivery profile of Council's Capital Works Program. Liquidity is forecast to reduce over the remainder of the financial year as delivery of the 21/22 Budget continues, though will stay within the levels identified in Council's Ten-Year Financial Plan.

Collection of rates continues to progress, with only 4.8% of rates and charges in arrears. Ratepayers having trouble paying are encouraged to contact Council to negotiate a payment arrangement.

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 the Council prepare a quarterly statement in respect of Environmental Upgrade Agreements.

Council entered into one new Environmental Upgrade Agreement during the second quarter of 2021/22. This value of this agreement is \$16,720.72 and is in respect of the land located at 87 Murphy Street Wangaratta.

There are now two Environmental Upgrade Agreements are in operation with a total value of \$57,048.33. Charges due this year total \$3,942.65. Total payment of \$1,090.17 fell due this quarter, which was paid in full.

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 the Council prepare a quarterly statement in respect of Environmental Upgrade Agreements.

Social

Social benefits of the delivery of Council services and projects are outlined in the 2021/22 Budget and in the Council Plan 2021-25.

Environmental/Sustainability Impacts

Council budgets for and delivers several projects that support its Environmental Sustainability Strategy.

Strategic Links

Council Plan 2021 – 2025

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

1. Strengthening our Leadership

- Maintain liquidity ratio – target > 100%
- Ensure Council's financial sustainability through transparent and accountable financial management.
- Undertake regular and transparent reporting against council's adopted Annual Budget.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Poor performance against budget	M	M	M	Regular monitoring and reporting of the budget position
Covid-19 economic impacts exceed forecasts	M	H	H	Monthly review of forecasts

Consultation/Communication

Consultation has been undertaken with Council Managers and Corporate Management Team and the matter is now ready for Council consideration.

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




Options for Consideration

1. That Council endorse the Quarter 2 Forecast Review – recommended.
2. That Council endorse the Quarter 2 Forecast Review and proposes any recommendation(s) for alternative changes to the 2021/22 Budget forecast.

Conclusion

The Quarter 2 Forecast Review reports year-to-date performance against budget and projected full year forecast adjustments.

Attachments

- 1 January 2022 - Income Statement 
- 2 January 2022 - Balance Sheet 
- 3 January 2022 - Statement of Capital Works 

14.3 Biannual audit and risk report

Meeting Type: Ordinary Council Meeting
Date of Meeting: 29 March 2022
Author: Governance and Reporting Advisor
File No: IC22/266

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.

(Moved: Councillor D Fuller/Councillor A Fitzpatrick)

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 2021 - 31 December 2021.

The attached biannual audit and risk report (**Attachment 1**) was endorsed at the 15 February 2022 committee meeting. 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 

14.4 Council Plan Strategic Indicators and Actions Update (Quarter 2 - October to December 2021)

Meeting Type: Ordinary Council Meeting
Date of Meeting: 29 March 2022
Author: Governance & Reporting Advisor
File No: IC22/424

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

To present the 2021-22 Quarter 2 (October – December 2021) update for Council Plan Strategic Indicators and Actions.

(Moved: Councillor I Grant/Councillor D Fuller)

That Council notes the Quarter 2 2021-22 results for the Council Plan 2021-2025 Strategic Indicators and Actions as contained in the attached reports.

Carried

Background

Council sets out in its four-year Council Plan its strategic objectives and the accompanying annual actions and strategic indicators for monitoring delivery and achievement of those objectives.

Council has an obligation to report six-month progress on implementing these actions and strategic indicators. This report also provides transparency and enables the community to understand the impact of what Council is doing in the areas most important to them.

Attached are the Council Plan Strategic Indicators and Actions Status Reports for Quarter 2 of the 2021-22 financial year.

Strategic Indicators

As at the end of Quarter 2, 34 of the 41 Strategic Indicators were on track, 1 was at risk and 6 were off track. Of the 14 Indicators that can be reported quarterly, Council has seen a steady increase in performance against these targets due to the gradual reduction in Covid-19 restrictions. It is anticipated that as restrictions ease further, there will be increasing attendance at Council creative, leisure and entertainment facilities which will be reflected in Quarter 3 results.

Indicators that were off track include:

- Wangaratta Performing Arts & Convention Centre (WPACC) and Wangaratta Sports & Aquatics Centre (WSAC) visitation and ticket sale numbers, primarily due to Covid-19 closures and restrictions;
- Active library borrowers within the municipality;

- An accurate record of attendees to the Wangaratta Art Gallery due to technical issues; and
- A slight decrease in the number of new residential lots being released in Quarter 2.

Council Plan Actions

249 Council actions are to be completed under the Council Plan. As at the end of Quarter 2:

- 4 items are complete
- 220 are on track for completion
- 16 are on hold or pending
- 5 are at risk
- 4 are off track

Key actions listed complete in Quarter 2 include: Council adopting its 10-year Financial Plan at the October 2021 Council Meeting which forms a key part of Council's legislative obligations under the *Local Government Act 2020*; and, seeking funding to establish and maintain the municipalities flood protection system.

Actions on hold or pending are primarily due to waiting to onboard new staff to commence the works; emergency response/recovery actions that thankfully haven't been required this season; or Council Plan actions that aren't due until a later year.

The actions that are reported as off track at the end of Quarter 2 are:

- To support delivery of the Rural Placemaking Plans in partnership with our rural communities - launch events taking place in March.
- To work with education providers to ensure our young people are equipped with relevant employability skills – liaison is due to be undertaken with the Community Wellbeing and Youth Officer to develop this program.
- To promote the availability of car share providers, and access to affordable and passive transport options within the community – scope of project to be reviewed.
- Advocate for increased health, education, and community services to support population growth – scope of works to be defined for an Advocacy document.

Implications

Policy Considerations

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

Financial/Economic Implications

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

Legal/Statutory

The obligation to report six-month Council Plan actions and strategic indicators is a prescribed item in council's Governance and Management Checklist.

Social

Social benefits are outlined in the Council Plan 2021-25.

Environmental/Sustainability Impacts

Environmental and sustainability benefits are outlined in the Council Plan 2021-25.

Strategic Links

Council Plan 2021 – 2025

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

Risk Management

Council risks a reputational failure by failing to adequately monitor its key objectives. By the regular reporting of its Strategic Indicators and Actions to Council and to the Audit and Risk Committee, Council can mitigate this risk.

Consultation/Communication

Council Plan actions are being progressively implemented by the appropriate officers across the organisation. Several strategic indicators have been impacted by the restrictions implemented by the State Government to control the spread of COVID-19. The easing of these restrictions has led to an improvement in some indicators.

The status of Council Plan actions and strategic indicators has been communicated to executive management and the Audit & Risk Committee. Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Options for Consideration

There are no options for consideration.

Conclusion

Council Plan actions are being progressively implemented. Several strategic indicators have been impacted by the restrictions implemented by the State Government to control the spread of COVID-19. The easing of these restrictions has led to an improvement in some indicators.

Attachments

- 1 Quarter 2 Strategic Indicators 
- 2 Quarter 2 Actions Update 

14.5 Wangaratta Livestock Exchange - Strategic Plan

Meeting Type: Ordinary Council Meeting
Date of Meeting: 29 March 2022
Author: Director Corporate Services
File No: IC22/507

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

Executive Summary

The Wangaratta Livestock Exchange (WLE) is a wholly owned subsidiary of the Rural City of Wangaratta. The Board of the WLE is required to develop a long-term Strategic Plan for the future development and direction of the Saleyards.

(Moved: Councillor H Benton/Councillor H Bussell)

That Council considers and approves the Wangaratta Livestock Exchange Strategic Plan.

Carried

Background

The Management Services Agreement (MSA) under which the WLE board operates requires the Board to develop a long-term Strategic Plan. Under the MSA, the draft Strategic Plan must:

1. Be prepared in consultation with Council;
2. Contain a dispute resolution mechanism to address and resolve disputes with any issues raised by members of the public in relation to the Saleyards; and,
3. Address any matters requested by Council to be addressed in relation to future development and direction of the Saleyards.

Council must then review and approve, or decline to approve, the draft Strategic Plan. Once approved, the Board must subsequently review and update the Strategic Plan at least every 3 years.

The Board has now developed a Draft Five-Year Strategic Plan which is attached. (It is attached as a confidential document due to its commercial sensitivity). The Plan meets the requirements laid out above and is now read for the Councillors to formally consider and approve under council resolution.

Implications

Policy Considerations

As the WLE is independently managed by the WLE Board, it is not bound by council's Community Engagement Policy in the development of its long-term Strategic Plan.

Financial/Economic Implications

The Council Plan sets out the objective for the WLE to achieve financial surplus. The WLE is meeting this objective and the Strategic Plan will assist it developing future plans to continue to do so.

Legal/Statutory

The WLE Management Services Agreement requires the Board to develop a Strategic Plan.

Social

The WLE provides an important social function for local farmers, agents and rural community members. It's ongoing success is important to the RCOW community.

Environmental/Sustainability Impacts

The Strategic Plan includes an objective for the reduction of net carbon emissions.

Strategic Links

Council Plan 2021 – 2025

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

1. Strengthening our Leadership

Objective: Ensure our partners and community share the responsibilities and benefits of putting plans into practice.

2. Expanding our Economy

Measure: WLE full year financial position – Target: Surplus

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

Rural City of Wangaratta 2033 Community Vision

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

Growth:

- We will invest in sustainable infrastructure that supports new growth.

Economy:

- We encourage and support responsible growth of our existing businesses and industries.
- We support agricultural sustainability projects and initiatives to facilitate a resilient and vibrant farming sector.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
The the WLE is not a sustainable enterprise for the RCOW community.	(2) Unlikely (may arise once in 5 to 10 years)	(3) Moderate (loss of \$50-\$500k)	(5) Medium	Development of a long term Strategic plan to set the future direction for a sustainable livestock exchange.

Consultation/Communication

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Inform community that council is undertaking the necessary governance steps for the oversight of the WLE.	Council report

As the WLE does not fall under Council's Community Engagement Policy and as the Strategic Plan is a commercially sensitive document and hence marked confidential, community consultation is not required and this matter is now ready for Council consideration.

Options for Consideration

1. That Council approves the Wangaratta Livestock Exchange Strategic Plan – recommended.
2. That Council declines to approve the Wangaratta Livestock Exchange Strategic Plan and provides written notice to the WLE Board of any changes required. – This option is not recommended. The members of the WLE Board have been appointed due to their subject matter expertise and the Strategic Plan has been developed accordingly.

Conclusion

The Wangaratta Livestock Exchange Strategic Plan meets the requirements of the Management Services Agreement and is now ready for Councillors to approve.

Attachments

- 1 Wangaratta Livestock Exchange Strategic Plan - Confidential

15. Infrastructure Services

15.1 Waste Services Policy 2022

Meeting Type: Ordinary Council Meeting
Date of Meeting: 29 March 2022
Author: Waste Services Coordinator
File No: IC22/362

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 for endorsement of placing the draft Waste Services Policy 2022 on public exhibition seeking feedback from the community. From the review only one change is proposed from the Waste Services Policy 2021.

(Moved: Councillor A Fitzpatrick/Councillor J Herry)

That Council:

1. Endorse the Draft Waste Services Policy 2022 for a 28 day public exhibition period, inviting submissions from the community and stakeholders until close of business on Friday 30 April 2022.
2. If no submissions requiring changes to the Waste Services Policy 2022 are received, adopt without further resolution of Council.

Carried

Background

The policy sets out the Council's waste services including exceptions to these services and associated costs. The Waste Services Policy 2022 will assist in delivering the outcomes specified in Council's Waste Management Strategy. Waste collection and associated charges are set through the fees and charges process.

One change to the kerbside service for recycling and organics collection contamination "Four Strike Contamination Policy". Currently, a property will have a bin service removed if it receives four notices of high-level contamination in either recycling or organics bins within one calendar year. This resets at the start of each calendar year. Extending this time frame to four years before resetting the number of notices will assist in reducing the number of repeat offenders contributing to the contamination of these resource recovery streams.

If Council becomes aware of a situation that is causing unavoidable contamination issues, more appropriate bins can be issued to the resident.

Implications

Policy Considerations

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

Financial/Economic Implications

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

Implementation of the Policy assists in ensuring that appropriate fees are obtained to safeguard financial viability of the kerbside waste collection services.

Legal/Statutory

There are no legal/statutory implications identified for the subject of this report.

Social

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

Environmental/Sustainability Impacts

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

Strategic Links

Council Plan 2021 – 2025

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

3. Valuing our Environment

3.2 Reduce waste and enhance resource recovery

3.2.2.2 Increase the waste diversion from landfill through the increased use of recycling and organics bins throughout the community

Rural City of Wangaratta 2033 Community Vision

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

M2 Strengthen positive behaviours throughout the community to minimise the negative impact of waste

Other strategic links

Waste Management Strategy

Risk Management

N/A

Consultation/Communication

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

Options for Consideration

1. That Council endorse the Draft Waste Services Policy 2022 as presented.
2. That Council request further changes to the Policy.

Conclusion

Upon review one minor change has been made to the kerbside service for recycling and organics collection contamination "Four Strike Contamination Policy". It is recommended to Council for endorsement of placing on public exhibition.

Attachments

- 1 Waste Services Policy 2022 

15.2 C34282 Concrete Works - Panel of Suppliers

Meeting Type: Ordinary Council Meeting
Date of Meeting: 29 March 2022
Author: Manager - Field Services
File No: IC22/378

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 award suppliers to the Minor Concrete Works – Panel of Suppliers.

(Moved: Councillor D Fuller/Councillor H Benton)

That Council:

1. Awards Contract C34282 for the Minor Concrete Works – Panel of Suppliers to the following suppliers:
 - DJ & CL Collison Concrete and Kerb
 - Hayley Constructions
2. Authorises the Chief Executive Officer to sign and seal all the relevant contract documents for C34282 for the Minor Concrete Works – Panel of Suppliers.

Carried

Background

Council undertakes capital and renewal works each year. Some of these works involve concrete works. These works are tendered out to the external market. This panel will enable Council to continue this work without changing Council's delivery method.

Works undertaken under contracts for Minor Concrete Works – Panel of Suppliers will be undertaken within Infrastructure, Planning and Delivery and Field Services Operational and Capital Budgets.

Implications

Policy Considerations

Procurement Policy

Financial/Economic Implications

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

Legal/Statutory

There are no legal/statutory implications identified for the subject of this report.

Social

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

Environmental/Sustainability Impacts

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

Strategic Links**Council Plan 2021 – 2025**

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

1. Nurturing our Wellbeing

Continued systematic and scheduled maintenance of all our pathways and walking tracks across the municipality.

Rural City of Wangaratta 2033 Community Vision

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

Accessible and equitable services, spaces, and facilities

Risk Management

N/A

Consultation/Communication

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

Options for Consideration

1. Award contract C34282 for the Minor Concrete Works.
2. Not award contract C34282 for the Minor Concrete Works

Conclusion

To enable Infrastructure, Planning & Delivery and Field Services to complete its planned projects, it is recommended that Council award contracts for Minor Concrete Works – Panel of Suppliers to the above mentioned Suppliers.

Attachments

- 1 Evaluation report - Confidential

Question Anne Dunstan: “In relation in 15.2 and 15.3 you make reference to minor works. There is no definition of what minor works entails because they are both confidential evaluation report. So minor work could be 50,000 or \$100 so it would be helpful within the report to quantify what minor works means and it would be interesting to understand why minor works can’t be completed by our current staff. We have amazing arborists and we have infrastructure and running equipment to do that so if it is minor why we not undertaking that by our own staff?”

Director Goonan responded “Thank you very much for the questions. Minor really is around the dollar value and when we talk about panels supplies, we can go out to panel suppliers for up to \$150,000 that’s how the panels work. We tend only to use panels when we have overflow of work so if we’ve got the ability to do it ourselves then we will do it ourselves. As you probably appreciate this year and if we are talking about 15.3 there has been a lot of tree work to be done and we’ve had to bring contractors in. I can talk more about that when we get to 15.3. It’s certainly not around reducing the staffs’ ability to be able to do the work it’s about council being able to respond to community needs are and complete the work as quick as we can and within budget.”

15.3 C34281 Minor Tree Services - Panel of Suppliers

Meeting Type: Ordinary Council Meeting
Date of Meeting: 29 March 2022
Author: Manager - Field Services
File No: IC22/379

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 award suppliers a position on the panel to provide minor tree services.

(Moved: Councillor H Bussell/Councillor D Fuller)

That Council:

1. Awards Contract C34281 Minor Tree Services - Panel of Suppliers to the following suppliers:
 - Smith's Tree Services
 - GJ Tree Services
 - Arboressence
 - North East Tree Services
 - Watersmart Irrigation
 - Austral Tree Services
 - Albury-Wodonga Stump Removal
 - Carters Tree Services
 - Federation Tree Care
 - Summit Open Spaces
 - Eagle Travel Tower Services
 - Ultimate Arbor
2. Authorises the Chief Executive Officer to sign and seal all the relevant contract documents for C34281 for the Minor Works – Tree Services Panel.

Carried

Background

Council undertakes capital and renewal works each year. The panel will support the current and ongoing maintenance and project services provided by Council. Due to the high demand for Arborist services, the panel is extensive to ensure availability of suppliers for consultants, capital and maintenance works.

Works undertaken under contracts for C34281 for the Minor Works – Tree Services will be undertaken within Infrastructure, Planning and Delivery and Field Services Operational and Capital Budgets.

Implications

Policy Considerations

Procurement Policy

Financial/Economic Implications

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

Legal/Statutory

There are no legal/statutory implications identified for the subject of this report.

Social

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

Environmental/Sustainability Impacts

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

Strategic Links

Council Plan 2021 – 2025

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

1. Enhancing our Lifestyle

We maintain our parks and gardens, reserves, and open spaces to ensure the safety and enjoyment of our people, and the protection of our spaces

Rural City of Wangaratta 2033 Community Vision

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

Beautiful and accessible parks, gardens and open spaces

Risk Management

N/A

Consultation/Communication

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

Options for Consideration

1. Award contract C34281 Minor Tree Services

2. Not award contract C34281 Minor Tree Services

Conclusion

To enable Infrastructure, Planning & Delivery and Field Services to complete its annual projects, it is recommended that Council award contracts for C34281 for the Minor Works – Tree Services to the above mentioned Suppliers.

Attachments

- 1 Evaluation report - Confidential

Question: Anne Dunstan “I’ve seen that Council has had arborist positions and haven’t been to fill them for months. Is it a lack of qualified staff not applying for jobs or is the job environment why people aren’t applying for it have you had work or worked tree crew move into different avenues bridge crew, road crew etc is the environment for the tree not conducive or is it there is a need for arborists services? anymore?”

Director Marcus Goonan responded “Definitely the latter most of the arborists have been taken up by private companies who are extremely busy at the moment. They have the ability to be able to offer potentially things that Council can’t from a dollar point of view so it is definitely the latter. There is also a number of arborists who are just getting out of the trade. It is a quite difficult trade and is quite labour intensive. We are not the only Council experiencing this we talk to local councils around us and they are all experiencing same problem. You can see from the number of tenderers that we have for this panel that there are a number of private suppliers out there. So it is really around the numbers out there, nothing to do with Council’s working environment.”

15.4 C34014 Whitfield Streetscape and Intersection Works

Meeting Type: Ordinary Council Meeting
Date of Meeting: 29 March 2022
Author: Project Officer
File No: IC22/494

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 present the evaluation and recommendation for the contract award of “C34014 Whitfield Streetscape & Intersection Improvement”.

Council received \$4M (ex GST) in funding from the Victorian Government, as part of the King Valley Prosecco Road Revitalisation Project.

The Whitfield Streetscape & Intersection Upgrade Project is a redevelopment of the existing streetscape to improve the physical, social, and economic functions of the area and improve the overall amenity. Works include the construction of road pavement, underground drainage, landscaping, feature lighting, service relocations.

Collaboration with both Regional Roads Victoria (RRV) and North East Water (NEW) has also allowed for additional works to undertake safety improvements to the existing Y-intersection on the Wangaratta-Whitfield and Mansfield-Whitfield Roads. In addition to the installation of a new water main.

(Moved: Councillor H Bussell/Councillor J Herry)

Lump Sum Contract:

That Council:

1. Awards Contract “C34014 Whitfield Streetscape & Intersection Improvement” to O’Loughlin Excavations subject to signed funding agreements with RRV & NEW.
2. Authorises the Chief Executive Officer to sign and seal all the relevant contract documents for “C34014 Whitfield Streetscape & Intersection Improvement”.
3. Discloses the contract price and successful tenderer for C34014 Whitfield Streetscape & Intersection Improvement.

Carried

Director Marcus Goonan disclosed the contract price of \$1,771,703.56 excluding GST.

Background

Council received \$4M (ex GST) in funding from the Victorian Government, as part of the King Valley Prosecco Road Revitalisation Project. This project is one of four key projects to be delivered under this funding program.

The key projects include:

- Township streetscape enhancements at Whitfield & Cheshunt to improve community and visitor experiences.
- Detailed design of the Prosecco Rail Trail (segment D) from Edi to Cheshunt.
- Upgrades to the Whitfield Community Park to create an Adventure Playspace and key meeting points within the township.
- The creation of gateway entrances and key artworks to reflect the King Valley at the commencement of the Wangaratta-Whitfield Road and Mansfield-Whitfield Road.

This project will deliver key outcomes identified by the community as a part of the Rural Placemaking Program.

Collaboration with both Regional Roads Victoria (RRV) and North East Water (NEW) has also allowed for additional works to undertake including safety improvements to the existing Y-intersection on the Wangaratta-Whitfield and Mansfield-Whitfield Roads. In addition to the installation of a new water main.

Implications

Policy Considerations

Procurement Policy.

Financial/Economic Implications

Council received \$4M (ex GST) in funding from the Victorian Government, as part of the King Valley Prosecco Road Revitalisation Project of this funding \$975,000 has been allocated to this project and \$600,000 has been allocated to shared path works.

RRV is contributing \$400,000

NEW Water are contributing \$250,000

This procurement award is subject to Council signing formal agreements with RRV and NEW to secure funding required to deliver these component of works.

Legal/Statutory

There are no legal/statutory implications identified for the subject of this report.

Social

Investment in infrastructure and amenity will greatly improve the community and visitor experiences and compliment the surrounding businesses. The works will deliver key community outcomes identified within Council's Rural Placemaking Plan.

Environmental/Sustainability Impacts

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

Strategic Links

Council Plan 2021 – 2025

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

1. Strengthening our Leadership

Continue to provide transparency for the community regarding the information being considered in decision making processes.

2. Expanding our Economy

Enhance the activity in our rural townships.

Rural City of Wangaratta 2033 Community Vision

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

- Enhance the activity in our rural townships
- A community that is safe and welcoming for pedestrians and cyclists.

Other strategic links

Rural Placemaking Project – King Valley District.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Timeframe and achieving the proposed timelines	Minor (2)	Moderate (3)	5	Project Manager to monitor
Unsatisfactory quality of works	Minor (2)	Moderate (3)	5	Project Manager to monitor
Works timeline exceed	Major (3)	Moderate (3)	6	Project Manager to monitor

Consultation/Communication

Community consultation has occurred throughout the design phase of this project. Council Officers met with the community on several occasions to review the proposed designs and provide valuable input into the final design.

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

Options for Consideration

1. Award contract “C34014 Whitfield Streetscape & Intersection Improvement” subject to signing funding agreements with RRV & NEW.

2. Not award contract "C34014 Whitfield Streetscape & Intersection Improvement" and re-tender the procurement opportunity

Conclusion

Following a comprehensive evaluation of tenders against the pre-determined evaluation criteria and weightings, the "C34014 Whitfield Streetscape & Intersection Improvement" is recommended to be awarded to O'Loughlin Excavations.

Attachments

- 1 Evaluation Report - Confidential

16. Development Services

16.1 Draft Climate Mitigation and Adaptation Policy

Meeting Type: Ordinary Council Meeting
Date of Meeting: 29 March 2022
Author: Sustainability Officer
File No: IC22/131

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

Executive Summary

The Climate Mitigation and Adaptation Policy (CMAP) is presented to Council for endorsement following a 60 day community consultation period.

The CMAP seeks to provide governance and strategic direction in dealing with climate change.

Feedback received as part of the community consultation process is included in **Attachment 1 – Community Submissions**.

The draft CMAP has been revised in response to the submissions received where appropriate (see **Attachment 2**).

(Moved: Councillor D Fuller/Councillor I Grant)

That Council:

1. Adopts the Climate Mitigation and Adaptation Policy, taking into consideration all submissions made.
2. Advises all submitters of Council's decision.

Carried

Background

The development of the policy is an action in the Council Plan 2021-2025 (number 3.3.1.5). The draft policy was presented to the December 2021 Council meeting and was endorsed for a 60-day public exhibition period.

A total of 19 submissions were received. **Attachment 1** Community Submissions contains the feedback received and the officer response to each point raised. The draft policy has been updated to include this feedback, where appropriate, and proposed changes are shown in the attached document Draft Climate Mitigation and Adaptation Policy (**Attachment 2**).

The main themes in the submissions were:

- strengthening wording around urgency and climate change impacts (12 submissions)

- increasing set targets (11 submissions)
- providing clear accountability for the policy, i.e CEO and Mayor or Directors (8 submissions)
- suggesting operational actions around sustainability (8 submissions)
- emergency management and weather events (4 submissions)
- commitment to develop a climate adaptation plan (4 submissions)

It was noted that changing targets and proposing new operational actions about sustainability is outside of the scope of this policy. Most of the proposed actions are already referenced in the Environmental Sustainability Strategy 2021-2026 (adopted by Council in June 2021) and new targets cannot be set without further data that will arise from the future emissions reduction plan and determining landfill emissions.

Implications

Policy Considerations

The CMAP is closely linked to the Environmental Sustainability Strategy 2021-2026, Risk Management Policy, Asset Management Policy, Tree Management Plan, Wangaratta Planning Scheme and the Wangaratta Children's Services Centre Environmental Sustainability Policy.

Financial/Economic Implications

The financial and economic implications for actions relating to this policy are addressed as actions under the Environmental Sustainability Strategy 2021-2026 with tables listing if an action requires funding, is funded or will require grant assistance to undertake the action.

Legal/Statutory

Under s8(1) of the Local Government Act 2020, the role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community. Section 8(2)(a) states that a Council is considered to provide 'good governance' where it performs its role in accordance with the overarching governance principles and supporting principles.

These principles are defined in s9(1) stating that a Council must in the performance of its role give effect to the overarching governance principles. Several of these overarching governance principles create obligations for councils in the context of climate change, including:

- Under 9(2)(c) Councils are required to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.
- Under 9(2)(b) Councils are required to give priority to achieving the best outcomes for the municipal community, including future generations.
- Under 9(2)(h) regional, state, and national plans and policies are to be taken into account during Council's strategic planning.
- Under 9(2)(i) Council must ensure its decisions, actions, and information are transparent.

Social

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

Environmental/Sustainability Impacts

The CMAP seeks to provide governance and strategic direction in dealing with the urgent issue of climate change. As the policy outlines, climate change has local impacts on our operations, economy, environment and community.

Strategic Links

Council Plan 2021 – 2025

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

1. **Strengthening our Leadership**
(1.4.1.4) Provide leadership to the community on Environmental Sustainability.
2. **Nurturing our Wellbeing**
(2.6.1.5) Build community and Council capacity and resilience to respond to emergencies and disasters that are a result of climate change.
3. **Valuing our Environment**
(3.3.1.1) Explore and advance opportunities to be community leaders in adapting to the impacts of climate change
(3.3.1.5) Develop and adopt a Climate Change Policy.

Rural City of Wangaratta 2033 Community Vision

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

- N1 Reduce Council's greenhouse gas emissions, energy and water use
- N2 Increase the capacity of the community to mitigate and adapt to climate change

Other strategic links

This report supports the Environmental Sustainability Strategy 2021-2026

Consultation/Communication

The draft CMAP was publicly exhibited for 60 days, closing on the 11th of February 2022 and an online consultation session was held on the 3rd of February 2022.

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

Options for Consideration

Option 1: (recommended) Council adopts the draft Climate Mitigation and Adaptation Policy as recommended and following community consultation.

Option 2: Council does not Adopt the draft Climate Mitigation and Adaptation Policy as recommended following community consultation.

Conclusion

The Climate Mitigation and Adaptation Policy is a key document for Council to adopt to assist with navigating and responding to a changing climate. After changes to the document stemming from community consultation and stakeholder feedback this policy is now ready for adoption.

Attachments

- 1 Community Submissions 
- 2 Draft CMAP 

16.2 Draft Roadside Conservation Management Plan

Meeting Type:	Ordinary Council Meeting
Date of Meeting:	29 March 2022
Author:	NRM Coordinator
File No:	IC22/132
Presenters:	Tina Whatley-Natural Resource Management (NRM) and Sustainability Coordinator

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

Executive Summary

The Roadside Conservation Management Plan 2022 (RCMP) is presented to Council for adoption following a 60-day community consultation period.

- There is a wide range of legislation relating to native vegetation protection, protection of existing services and safety when working in the road reserve. The RCMP aims to assist roadside users to understand vegetation values, applicable legislation, and suitable methods to reduce risks when working on roadsides.
- The RCMP is an activity-based document that sets out the legislation and issues that apply to each activity, including a quick reference guide. It recommends methods that will also avoid native vegetation damage. The RCMP includes a rating and map of Roadside Conservation Values to assist when planning roadside activities.

Submissions received and changes made to the draft RCMP in response are included in: **Attachment 1** (Community Submissions).

Attachment 2 Draft Roadside Conservation Management Plan 2022 – updated to include, where relevant, submissions received.

(Moved: Councillor H Benton/Councillor D Fuller)

That Council:

1. Adopts the Roadside Conservation Management Plan 2022, taking into consideration all submissions made.
2. Advises all submitters of Council's decision.

Carried

Background

The RCMP is a revision of the existing Roadside Conservation Management Plan 2014. The revision also includes an updated Roadside Conservation Values Assessment with roads assigned a rating of either Very High, High, Medium, Low or Nil and associated maps, to assist when planning roadside activities.

The RCMP recognises that roadside vegetation forms important corridors in the landscape, providing habitat and links for flora and fauna, and provides a large part of the aesthetic vegetated character of the municipality. There are many different activities that occur on roadsides including drainage maintenance, service installation and maintenance, driveway access, fence line construction and maintenance, weed and pest control, grass slashing and fuel load reduction. The RCMP aims to encourage conservation of roadside remnants and reduce the risk of damage to vegetation, fauna, and people during roadside activities.

Implications

Policy Considerations

The RCMP includes and explains roadside related provisions of the Wangaratta Planning Scheme, the *Road Management Act 2004* and other relevant legislation. **Road Management Plan inclusion**

Financial/Economic Implications

FY20/21 - \$22,000 used to undertake Roadside Conservation Values Assessment.

Budget bids will be required each year to secure further funding to enable council to deliver on the Roadside Conservation Management Plan 2022– Action Plan.

The Roadside Weed and Pest Program has been funded for FY21/22 from contributions from both council \$61,500 and a \$56,198 grant from the Department of Environment, Land, Water and Planning (DELWP). The DELWP contribution is reviewed annually and presently has been committed for the next 2 years but is not guaranteed to continue.

Legal/Statutory

Council is required to comply with the planning scheme and other legislative provisions relating to native vegetation removal. Council has a formal agreement with the Department of Environment, Land Water and Planning (DELWP) allowing defined road maintenance works affecting native vegetation. Council reports to DELWP each year on vegetation affected by works. The RCMP sets out the required procedures.

Both Commonwealth and State legislation identifies the conservation status of endangered and vulnerable flora and fauna, in the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and the *Victorian Flora and Fauna Guarantee Act 1988*. The conservation status of listed flora and fauna was included in the conservation values assessment undertaken for the revised RCMP.

In 2013 the State government passed an amendment making Councils responsible for specified weeds on roadsides. Council is required under the legislation to develop a Roadside Weed and Pest Control Program (RWPP). This program is included in the RCMP.

Social

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

Environmental/Sustainability Impacts

Roadsides have important biodiversity values as they retain remnants of native vegetation and wildlife habitats that were once widespread throughout the landscape. Consequently, biodiversity conservation has become another very important function of road reserves. In some parts of the municipality roadside vegetation represents the only remaining habitat for specific indigenous plant and animal species and without roadside habitats these species would be locally extinct.

The importance of roadside vegetation was highlighted in the 2011 report Remnant Native Vegetation Investigation by the Victorian Environment Assessment Council (VEAC). The Bioregion that makes up the vast majority of the Rural City of Wangaratta (the Victorian Riverina) is classified in this study as “Most Cleared”. VEAC found that a high proportion of Victorian Riverina native vegetation occurs on roadsides only and remnant vegetation is in poorer condition than other State bioregions.

The RCMP 2022 revision also includes an updated Roadside Conservation Values Assessment with roads assigned a rating of either Very High, High, Medium, Low or Nil. The last survey of the roadsides for the municipality was conducted in 2009-2010, and the survey outcomes, amongst other data collected, classified the Council Road network into three Conservation Value categories, ranging from High to Low. These categories represent a rapid assessment of conservation significance of the roadsides, and the collected information will be available in Council’s Geographic Information System (GIS) and is accessible to all Council Officers in decision making.

The updated survey employed the rapid Vegetation Quality Assessment (VQA) – the standard habitat quality assessment in Victoria (Department of Sustainability and Environment [DSE] 2004).

Strategic Links

Council Plan 2021 – 2025

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

1. Valuing our Environment

1. Ensure roadsides are appropriately used while conserving and enhancing biodiversity, through the review and implementation of Council’s Roadside Conservation Management Plan.

Rural City of Wangaratta 2033 Community Vision

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

L3 – Enhance our natural environment

Other strategic links

This report supports the Environmental Sustainability Strategy 2021-2026

Risk Management

There can be tension between requirements to protect native vegetation and the need to carry out activities on roadsides. The RCMP aims to enable required activity while reducing the risk to vegetation and to the safety of users. The RCMP includes a section on roadside biodiversity risk management identifying common activities that have the potential for greatest impacts on biodiversity roadsides.

Consultation/Communication

A full review has been completed on the RCMP and reflects existing legislation and requirements much of which is State legislation outside Council influence. The draft RCMP 2022 has been

reviewed by key internal stakeholders and provided to the Agriculture Agribusiness Advisory Committee (AAAC) for input.

The draft RCMP was put out for community consultation for a period of 8 weeks over the months of December 2021 and January 2022. Council officers discussed the RCMP at public meetings held at Springhurst, Moyhu, the Wangaratta Library and 3 online sessions.

A total of 12 submissions including group submissions were received during the community consultation period with the major themes being:

- Fire Risk Management
- Pest and Weed Management
- Firewood Collection
- Conservation Values Review
- Cultural Heritage

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	To advertise the RCMP	To place on community consultation with the RCMP available at Council offices, on website and advertisement in the local paper with notice of the consultation period
Consult	Request for comments and submissions	Receive comments and submissions on RCMP
Involve	Comments and submissions will be considered	Comments and submissions, if any, will be reviewed and may result in the RCMP being revised where possible
Collaborate	Not applicable	Not applicable
Empower	Not applicable	Not applicable

Options for Consideration

Option 1: (recommended) Council adopts the draft Roadside Conservation Management Plan 2022 as recommended and following community consultation.

Option 2: Council does not Adopt the draft Roadside Conservation Management Plan 2022 as recommended and following community consultation.

Conclusion

The RCMP and the Roadside Conservation Values Map are key documents that encourage understanding, planning and practices that reduce the risks of common activities to remnant vegetation. The draft RCMP 2022 has taken considerable time to develop taking into account best available knowledge, updated assessment and mapping of roadside vegetation, community and stakeholder feedback and is now ready for adoption.

Attachments

- 1 Community Feedback Submissions 
- 2 Final Draft Roadside Conservation Management Plan 

16.3 Planning permit application PInApp20/063 - 145 Murmungee Road Murmungee - Use and Development of Land for Earth and Energy Resources Industry (processing of ore for winning gold)

Meeting Type: Ordinary Council Meeting
Date of Meeting: 29 March 2022
Author: Planner
File No: IC22/156

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

Executive Summary

This report is presented to Council to determine a planning application for a small scale operation, defined as: use and development of land for Earth and Energy Resources Industry (processing of ore for extracting gold).

Officers are of the view that the proposal is suitable for support subject to appropriate conditions being imposed. A copy of the proposed permit conditions is included **Attachment 1**.

Ore is proposed to be extracted at another site several kilometres away, and then brought to 145 Murmungee Road for processing. The proposed activity to take place at the site is the processing of ore to extract gold.

The waste product is to be removed from the site. The process involves no chemicals and uses water as the only input. The processing involves crushing the ore into ever smaller pieces to enable extraction of gold. The applicant wishes to use various techniques at different stages of the process, some of which involve human labour and other rely on machinery.

Pursuant to instrument of delegation, officers do not have delegation to determine a planning permit application that is subject to four or more objections. At the time of writing this report 17 objections were received.

Having undertaken an assessment of the application against the Wangaratta Planning Scheme and having considered public submissions to the proposal and responses from referral authorities, officers are of the view that the application is consistent with the Wangaratta Planning Scheme, a full assessment is included at **Attachment 2**.

(Moved: Councillor H Bussell/Councillor I Grant)

That Council:

1. Issues a Notice of Decision to Grant a Permit with respect to planning permit application PInApp20/063 for Use and Development of Land for Earth and Energy Resources Industry (processing of ore for winning gold) at 145 Murmungee Road Murmungee (being Crown Allotment 12C Section 14 Parish of Murmungee, Lot 1 Title Plan 600656 and Lot 1 Title Plan 924570), subject to the permit conditions contained in **Attachment 1**; and

2. Advises the applicant and submitters of the decision.

The recommendation went to a vote and the results were:

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

Against: Councillor H Benton and Councillor J Herry

Carried

Property Details

Land/Address	145 Murmungee Road MURMUNGEE VIC 3747
Zones and Overlays	Farming Zone Bushfire Management Overlay
Why is a permit required	Clause 35.07- 1 (Table of Uses, Farming Zone) – A planning permit is required for use of land for Earth and Energy Resources Industry. Clause 35.07-4 (Buildings and Works, Farming Zone) – A planning permit is required for buildings and works associated with Earth and Energy Resources Industry and for buildings within 100 metres of a waterway.

Proposal in Detail

The subject site is located within an 68.9 hectare rural property in Murmungee which is made up of three separate lots. The subject land is currently used for grazing and is within an area used primarily for broadacre and dryland agriculture with a bushland reserve immediately to the north of the subject land. The site features gentle slopes and has a number of dams and minor waterways traversing it.



Subject site (IntraMaps Aerial Imagery 2019)

The proposal involves use of a small portion of the subject land located along the northern boundary of the subject land and taking up an area of approximately 1600 square metres excluding access routes.

The proposed activity to take place at the site is the processing of ore to extract gold. Ore is to be extracted from the earth at another site several kilometres away and brought to the proposed site for processing. The processing involves crushing the ore into ever smaller pieces to enable extraction of gold. This is done through various methods at different stages of the process, some of which involve machinery and some of which involve human labour. The waste product is to be removed from the site. The process involves no chemicals and uses water as the only input.

The proposed use involves the establishment of several pieces of machinery and equipment which will be fixed in position along with minor buildings to shelter some equipment and provide basic facilities to workers. The site is proposing to process up to 50 tonnes of ore per week and proposes operating hours of 8am to 6pm Monday to Friday and 9am to 4pm on Saturdays with a maximum of four workers required. Access to the site is proposed to be via a new crossover to Murrumbidgee Road to be constructed along the western boundary of the subject land.

Refer to **Attachment 3** for plans of the proposal.

Summary of Key Issues

- Potential environmental impacts associated with the proposal including in relation to waterways, groundwater, dust and noise.
- Potential for land use conflicts associated with the proposed use.
- The application has not addressed all the environmental and amenity risks however these can be dealt with via permit conditions.

- All referral authorities have provided conditional consent to the proposal.
- Conditions have been drafted to facilitate approval of the proposal while addressing risks to amenity and the environment.

Refer to officer's assessment report at **Attachment 2** for a detailed assessment of these and other relevant issues.

Assessment under the Planning and Environment Act

A detailed assessment of the application against the relevant parts of the Wangaratta Planning Scheme and the *Planning and Environment Act 1987* is included in **Attachment 2**.

Section	Clause	Provision
Planning Framework Policy	12.03-1S 13.02-1S 13.05-1S 13.06-1S 13.07-1S 14.01-1S 14.02-1S 14.02-2S 14.03-1S 14.03-1R 17.01-1S 17.01-1R 19.02-6S	River corridors, waterways, lakes and wetlands Bushfire Planning Noise abatement Air quality management Land use compatibility Protection of agricultural land Catchment planning and management Water quality Resource exploration and extraction Resource exploration and extraction – Hume Diversified economy Diversified economy – Hume Open space
Local Planning Framework Policy	21.03-1 21.03-3 21.05-2	Biodiversity Rivers Water
Zones	35.07	Farming Zone
Overlays	44.06	Bushfire Management Overlay
Particular Provisions	52.06 52.08	Car parking Earth and Energy Resources Industry
Decision Guidelines	65.01	Decision Guidelines – Approval of an application or plan

Referrals

Department	Response
Country Fire Authority	Advised that referral was not required
Environment Protection Authority	Consent and advice provided
North East Catchment Management Authority	Conditional consent
Goulburn Murray Water	Conditional consent
Earth Resources Regulation	Advice provided

Internal Advice

Department	Response
Technical Services	Conditional consent
Environmental Health	Consent

Advertising

Public notice was carried out by Council in the form of letters to owners and occupiers in the area, and a notice in the Wangaratta Chronicle.

Objections

A total of seventeen submissions were received, all of which are considered to be objections to the proposal. Grounds for objection related primarily to concerns about environmental and amenity impacts.

A detailed summary of objections and officer's response is contained in Attachment 2.

Implications**Policy Considerations**

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

Financial Implications

This proposal does not have any immediate impact on Council's financial resources as such. Should the matter be referred to the Victorian Civil and Administrative Tribunal then Council will likely incur costs associated in defending a position on the application.

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.

Cultural Heritage

The proposal is not subject to any requirements related to Cultural Heritage.

Social

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

Environmental/Sustainability Impacts

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

Economic Impacts

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

Strategic Links**Council Plan 2021 – 2025**

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

1. Valuing our Environment

- 3.4.2.2 Work in partnership with our community to preserve and improve our waterways.
- 3.4.2.4 Promote the significance and importance of our rivers and creeks to build community pride, care and protection.

2. Expanding our Economy

- 4.2.1.2 Actively facilitate the attraction of new industries and businesses.
- 4.2.5.1 Advocate and build on existing relationships with water regulators to ensure adequate water resources for the future of agriculture, industry and sustainability of our community and ecosystem.

Rural City of Wangaratta 2033 Community Vision

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

- O2 Look after our rivers and waterways.
- Q1 We encourage considered investment in the development of new businesses and industries.
- Q3 Support the development of small and medium enterprises.

Risk Management

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

Consultation/Communication

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

Options for Consideration

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

Conclusion

The application has been subject to an extensive assessment and improvements have been made to the design of the proposal throughout the application process. The proposal has reached

a stage where identified risks can be appropriately addressed through permit conditions. The proposal is considered acceptable and suitable for approval.

Attachments

- 1 PInApp20/063 - Proposed permit conditions 
- 2 PInApp20/063 - Assessment against the Wangaratta Planning Scheme 
- 3 PInApp20/063 - Development Plans 

Question from Paul Ferguson How does Council reconcile the operation of a commercial industrial gold ore processing plant in a sensitive area zoned as for farming because we feel that the planning recommendation that has been provided doesn't properly reconcile those concerns?

Director Stephen Swart responded "Thank you for your questions. In terms of your first question in terms of the reconciling the purpose of the farming zone sensitive environment in terms of waterways, there's not a lot of reserve to the north of the site as well. One of the things that the farming zone allows us to do is consider the other uses not just farming so you will know that farming zones contain a wide range of uses that can be considered. When we consider those things that are not farming, we have to turn our minds to what would the impact of that specific activity be on the farm and will that be a negative impact to the extent of the application that the application shouldn't be supported. In this case we turned our mind to that question and that's all detailed in the officer's assessment and we consider that only a small parcel of the land is going to be taken out of farming production it's only one of 1600 square meters and if you then start to consider okay what are the impacts on surrounding properties you start thinking about foresight potential also impacts the like dust and noise and others as well. One of the things that spring to mind is that the scale of the operation is minor in nature and is also regulated through some of the proposed conditions on the proposed permit and the other main issue that came up was the potential impact on waterways. When it comes to impacts on waterways we depend on our referral authorities to give us advice and no objection were raised by referral authorities subject from conditions being added to any permanent issue and we have done that. So on balance we have to consider all of these things and the officer's recommendation is that this is a suitable proposal for that area."

Question from Paul Ferguson "Has the Council considered other more appropriate solutions to where this ore processing plant might be other ones that have been raised at the planning department are the quarry which is a very local. It could be done on site which would be expected or it could be done in an industrial area within very close proximity in Beechworth or down in Gapsted or somewhere where it's not farming in the bottom of a basin with all these sensitive areas."

Director Stephen Swart responded "The reality is that council has an obligation to process applications that come to us. In this case the application was to do this activity on this piece of land and the planning provisions allows us to consider that. When the planning provision is allowed to consider that it also tells us to be able to consider all of these other factors that I just described. All of those have been considered and they are detailed in the officers assessment that's attached to the report. In terms of notification I know that wasn't the question but I think I'll respond to that in any case. Council has an obligation to notify land owners and a lot of the time we make a determination as to where the notice is going to go. In this case I would argue we actually went wider than we would normally go and in fact in this case we've also provided notice

on two occasions because there were some changes to the application. I think is something that could be questioned, but I am confident we are complying with the Planning and Environment Act when it comes to notice requirements."

Question Susan Rhys referred to item Planning permit application PlnApp20/063 - 145 Murmungee Road Murmungee and asked where the assessment report on environmental studies was as referred to in the report within the agenda. She also referred to the excessive water use mentioned in the plan and the alleged statement that it would be recycled using fresh water and that the creek goes through her property as does the reserve.

Director Stephen Swart responded "The officer's assessment report that he referred to was the officer's assessment report attached to the agenda for this meeting. That agenda was released publicly on Friday and made available to everybody in the community and the attachments to the report into the proposed permit conditions, the assessment that I'm referring to and also the plans that you mentioned you have seen. The proposal as I understand allows for water to be reused and there's also a series of planting and bands that will capture the run off from the site. Most of those things are requirements that were put in place by referral authorities as I said before that we depend on referral authorities such as Government and also the North East Catchment Management Authority to assess the impacts of the application and we take their feedback on more and a lot of the time we are obligated to take that feedback onboard especially if they are saying you should put these conditions on any permit.

Susan Rhys asked how can you trust somebody and their environmental studies when they say and as for salinity, we don't use salt water in our probes and that is the answer to the issue raised about salinity.

Question Maureen Rae "Where is the excess material going to go considering the bunding site is on a water course a metre high and where there are rain events?"

Director Stephen Swart responded "The waste material left after processing has material value. It will be sold elsewhere and the waste removed from the site. The condition on the bunding comes from Goulburn Murray Water.

Question Maureen Rae "Has EPA been contacted?"

Director Stephen Swart responded "The EPA was not a formal referral authority for this application. We contacted EPA and they provided advice on noise. No other EPA approvals are required for this application."

Question John Routege "What are the requirements are in place to protect native species in the adjacent reserve?"

Director Stephen Swart responded "that the consideration and protection of native species in the adjacent reserve is not a requirement of the planning permit."

Question Councillor Harvey Benton referred to the Planning permit application PlnApp20/063 - 145 Murmungee Road Murmungee and asked "do officers go out and inspect the site and provide a certificate before they can operate?"

Director Stephen Swart responded "that there are a number of conditions that say prior to operation you must complete these things. That means that they cannot operate until those things have been completed. Our officers will go out and check to make sure that, that happens."

Question Mayor Dean Rees asked if North East Catchment Management Authority came back and said this is a bad idea would that change the recommendation?"

Director Stephen Swart responded “that it would have a big impact on the recommendation and it’s something that we do have to listen to and consider when we assess an application.”

16.4 Planning permit application PInApp21/213 - 8 Fairway Drive Waldara - Development of Five Dwellings and Five Lot Subdivision

Meeting Type: Ordinary Council Meeting
Date of Meeting: 29 March 2022
Author: Planner
File No: IC22/192

*Mayor Dean Rees left the room having previously declared a conflict of interest at 6:42pm.
Mayor Dean Rees returned to the room to resume standing orders at 7:15pm.*

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

Executive Summary

This report is presented to Council to determine a planning application for a proposal for the development of five dwellings and five lot subdivision at 8 Fairway Drive Waldara. The subject land is a prominent large vacant lot with an area of 2148 square metres located at the northern end of the establishing golf course estate.

The proposal includes the construction of five attached double storey dwellings orientated to front Fairway Drive to the north with vehicle access along the southern boundary and a communal open space area at the western end of the subject land.

At the time of writing this report twelve (12) objections have been received. Three (3) letters of support were also received.

The recommendation is to issue a Notice of Decision to Grant a Permit, subject to conditions. A copy of the proposed permit conditions is included at **Attachment 1**. The recommendation is based on a merits assessment of the proposal having regard to the relevant policies, objectives and decision guidelines in the Wangaratta Planning Scheme. A full assessment against the Wangaratta Planning Scheme and consideration of objections is included at **Attachment 2**.

Recommendation:

That Council:

1. Issues a Notice of Decision to Grant a Permit in respect of planning permit application PInApp21/213, for the Development of Five Dwellings and Five Lot Subdivision, at 8 Fairway Drive Wangaratta (Lot 1 PS 819139), subject to the permit conditions contained in **Attachment 1**.
2. Advises the applicant and submitters of this decision.

Recommendation:

(Moved: Councillor I Grant/Councillor A.Fitzpatrick)

That Council:

1. Issues notice a refusal to Grant a Permit in respect of planning permit application PlnApp21/213, for the Development of Five Dwellings and Five Lot Subdivision, at 8 Fairway Drive Wangaratta (Lot 1 PS 819139), in accordance with section 61 (1) (C) of the *Planning and Environment Act 1987* on the following grounds:
 - a) The proposal is inconsistent with the purpose and decision guidelines of the General Residential Zone;
 - b) The scale and bulk of the proposed development is inconsistent with local neighbourhood character;
 - c) The design of the proposed development does not present to Wangaratta Yarrowonga Road as its primary frontage and therefore inconsistent with local neighbourhood character;
 - d) The density of the proposed development is inconsistent with local neighbourhood character;
2. Advise the applicant and submitters of this decision.

The recommendation was put to a vote and was carried.

Property Details

Land/Address	8 Fairway Drive Waldara VIC 3678
Zones and Overlays	General Residential Zone No overlays
Why is a permit required	Clause 32.08-3 (Subdivision, General Residential Zone) – A planning permit is required for subdivision. Clause 32.08-6 (Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings. General Residential Zone) – A planning permit is required for the development of multiple dwellings on a lot.

Proposal in Detail

The subject land is located at the northern end of the golf course estate in Waldara and is currently vacant. The surrounding area is characterised by the golf course, an establishing residential neighbourhood within the golf course estate and an established low density residential estate on the opposite side of Wangaratta-Yarrowonga Road. The subject land is flat and without vegetation and is generally rectangular in shape with a splay at the northeastern and north western corners. A copy of the Development Plan is included at **Attachment 3**.



Subject site (IntraMaps Aerial Imagery 2019)

The proposal is for the construction of five attached double storey dwellings to be constructed of predominantly brick with a steel roof and cladding also being proposed. All proposed dwellings will have a balcony and pedestrian entrance to each dwelling located on the northern side and fronting Fairway Drive. Vehicle access is located along the southern boundary via a common property driveway providing access to a double garage for each proposed dwelling.

The design of the five dwellings includes a relatively similar floor plan for Units 1, 2, 3 and 4 with Unit 1 being slightly larger and having a fourth bedroom. Units 2, 3 and 4 have three bedrooms. Unit 5 is significantly different in layout and has four bedrooms plus a study.

The proposed subdivision follows the footprint of the buildings of the proposed development but also includes a small area for each lot within the front setback to Fairway Drive and for Unit 5 within the side setback to Fairway Drive. A proposed common property lot includes the shared common property driveway along the southern boundary, visitor car parking space, letter box area and nearby landscaping areas.

A large communal open space area is proposed at the western end of the subject land and is also to be part of the common property lot. A strip of garden along the northern boundary of the subject land is also proposed to be common property.

The area is part of an emerging residential estate previously approved under planning permit PInApp16/092.01. A copy of the endorsed plans for permit PInApp16/092.01 is included at **Attachment 4**.

PROPOSED SUBDIVISION

Legend:

- Turf Lawn
- Stone Mulch
- Stone Mulch with Plantings
- Concrete Areas
- Buildings

Site Plan Details:

- Lot 1:** 270m², Garden 418m², Common Property (total 833m²)
- Lot 2:** 222m²
- Lot 3:** 224m²
- Lot 4:** 226m²
- Lot 5:** 374m²
- Driveway:** 383m²
- Car parking:** 100m²
- Common Property:** 833m²

Dimensions:

- 14.15, 23.97, 29.55, 21.13, 8.23, 10.55, 62, 14.15, 23.97, 29.55, 21.13, 8.23, 10.55, 62

North Arrow: NORTH EAST

Scale: 1:1000

Table of Dimensions:

Dimension	Value
1	14.15
2	23.97
3	29.55
4	21.13
5	8.23
6	10.55
7	62
8	14.15
9	23.97
10	29.55
11	21.13
12	8.23
13	10.55
14	62

Project Information:

SURVEY DESIGN

PERMILLO DEV Pty Ltd

Wangaratta

Lot 1, Fairway Drive

Wangaratta

Project No: M7807

Version: 3

Drawn: 08/08/2020

Checked: 08/08/2020

Scale: 1:1000

FOR APPROVAL

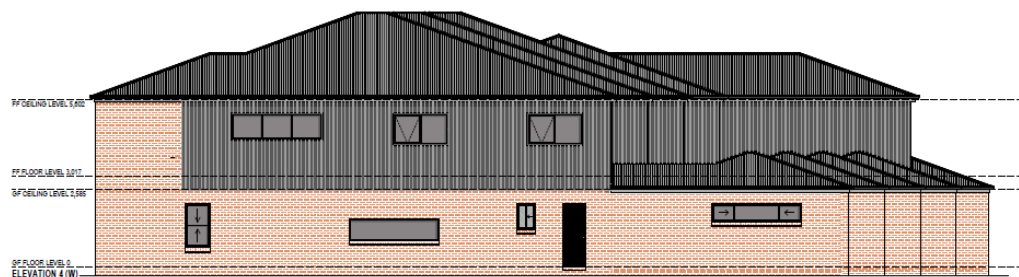
Notes:

- 1. All dimensions are given in metres unless otherwise stated.
- 2. All dimensions are given to the centre of the line unless otherwise stated.
- 3. All dimensions are given to the centre of the line unless otherwise stated.
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- 19. All dimensions are given to the centre of the line unless otherwise stated.
- 20. All dimensions are given to the centre of the line unless otherwise stated.

wangaratta.vic.gov.au



A copy of the elevation (as seen from west of the site from Yarrawonga Road) is below.



Summary of Key Issues

- Consistency with the Planning Policy Framework
- Consistency with Local Planning Policy
- Consistency with design standards for multiple dwellings on a lot
- Consistency with design standards for subdivision
- Consistency with restrictions on title
- Neighbourhood character
- Amenity impacts
- Provision of car parking
- Grounds of objection
- Referral authority responses

Refer to officer's assessment report at **Attachment 2** for a detailed assessment of these and other relevant issues.

Assessment under the Planning and Environment Act

A detailed assessment of the application against the relevant parts of the Wangaratta Planning Scheme and the *Planning and Environment Act 1987* is included in **Attachment 2**.

Section	Clause	Provision
Planning Policy Framework	11.01-1S	Settlement
	11.01-1R	Settlement - Hume
	15.01-1S	Urban design
	15.01-2S	Building design
	15.01-3S	Subdivision design
	15.01-5S	Neighbourhood character
	15.02-1S	Energy and resource efficiency
	16.01-1S	Housing supply
	16.01-2S	Housing affordability
Local Planning Policy Framework	21.02	Settlement
	21.06	Built environment and heritage
	21.07	Housing
Zones	35.07	General Residential Zone
Overlays	44.06	Nil
Particular Provisions	52.06	Car parking
	52.29	Land adjacent to the principal road network
	55	Two or more dwellings on a lot and residential buildings
	56	Residential subdivision
Decision Guidelines	65.01	Approval of an application or plan
	65.02	Approval of an application to subdivide land

Referrals

Department	Response
APA Group	Consent
AusNet	Conditional consent
North East Water	Conditional consent
Head, Transport for Victoria	Conditional consent

Internal Advice

Department	Response
Technical Services	Conditional consent

Advertising

Public notice was carried out by Council in the form of letters to owners and occupiers in the area. The application was re-advertised because of there been widespread reports that letters had failed to be delivered.

Objections

A total of twelve (12) objections have been received, all of which are considered to be objections to the proposal. Grounds for objection related primarily to concerns about the impact of the proposal on neighbourhood character and amenity and also concerns that the subject land should not be exempt from some of the restrictions on title that apply to other lots in the estate.

In summary, the general grounds for objection are:

- Lack of proper consultation;

- Permit history (i.e. the subdivision permit);
- The proposal being inconsistent with restrictions on title;
- Other expectations are held for this land;
- Neighbourhood character;
- Inappropriate built form;
- Amenity impacts;
- The use of the proposed development;
- Property values;
- Street addressing.

A detailed summary of objections and the officer's response is contained in Attachment 2.

The three (3) letters of support all contended that the proposal will make a positive contribution to the neighbourhood character of the estate and will create an attractive entrance to the estate. Some of the submissions in support also complimented the design of the proposal and the inclusion of the communal garden area.

Implications

Policy Considerations

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

Financial Implications

This proposal does not have any immediate impact on Council's financial resources as such. Should the matter be referred to the Victorian Civil and Administrative Tribunal then Council will likely incur costs associated in defending a position on the application.

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*.

Cultural Heritage

The proposal is not subject to any requirements related to Cultural Heritage.

Social

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

Environmental/Sustainability Impacts

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

Economic Impacts

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

Strategic Links

Council Plan 2021 – 2025

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

Valuing our Environment

- 3.1.2.2 Support developers to implement Environmentally Sustainable Design (ESD) principles across the municipality.

Growing with Integrity

- 6.1.1.2 Identify opportunities for residential land supply to accommodate future population growth.
- 6.1.2.1 Ensure sufficient land supply is available to accommodate a range of housing options.
- 6.1.2.2 Encourage a variety of lot sizes in new residential estates.
- 6.2.2.2 Provide an efficient and effective permit system that facilitates appropriate growth.

Rural City of Wangaratta 2033 Community Vision

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

- L2 Facilitate design and development that creates environmentally supportive impacts.
- AA1 Facilitate attractive long-term residential growth opportunities.
- AA2 Ensure a range of housing options to meet the needs of the community, including affordable housing.
- BB1 Ensure new development is facilitated and does not conflict with existing land uses.
- BB2 Provide an efficient and effective permit system.
- CC1 Ensure decision making upholds a balance between environmental sustainability, the need for development and acknowledges risks to the landscape.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Refuse to Grant a Permit - Applicant appeals decision at VCAT	Moderate	Moderate	Moderate	Representation of Council at VCAT
Notice of Decision to Grant a Permit – Objector/s appeal decision at VCAT	Moderate	Low	Low	Representation of Council at VCAT
Notice of Decision to Grant a Permit – Applicant appeals permit conditions at VCAT	Low	Low	Low	Representation of Council at VCAT

Consultation/Communication

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

Options for Consideration

1. Council issue a Notice of Decision to Grant a Permit subject to conditions (as recommended);





Or

2. Council issue a Notice of Refusal to Grant a Permit (not recommended).

Conclusion

The proposal is considered an acceptable outcome with regard to neighbourhood character and is otherwise well supported by relevant policy and decision guidelines in the Wangaratta Planning Scheme. It is therefore recommended that the application be supported with appropriate conditions as recommended in **Attachment 1**.

Attachments

- 1 PInApp21/213 - Proposed permit conditions 
- 2 PInApp21/213 - Assessment against the Wangaratta Planning Scheme and consideration of objections 
- 3 PInApp21/213 - Plans 
- 4 Endorsed plans of Planning Permit PInApp16/092.01 

Question Linda Hughes referred to the Planning permit application PInApp21/213 - 8 Fairway Drive Waldara and the lack of disclosure, notice about the proposal and the land being zoned low density residential.

Director Stephen Swart responded "that Council provided notice as required by the Planning and Environment Act and then it became clear to us that there was some issue with notice as we got reports back from the community saying that they did not receive notice. At that point in time we made the decision to provide a second set of notices as well as additional time to provide submissions and from that we received 17 submissions. In response to your comment about the land being zoned low density residential. This is something that was raised in a number of submissions about the land being low density residential zoned and it is not zone low density residential, it is zone general residential that's the same zone that you find in most areas of Wangaratta. I do however recognise that the outer of that subdivision is of lower density than you find in other areas."

Question Michael Ransom referred to the Planning permit application PInApp21/213 - 8 Fairway Drive Waldara and expressed concern for the lack of notice provided, traffic, parking, water tank size and permit requirements for the vendor .

Director Stephen Swart responded "Some of the things you spoke about where statements not questions. Do you accept that they are not questions? When it comes to traffic this is something that has been assessed as part of this application. What we do when it comes to that is we refer an application off to our Infrastructure Services department and they will turn their mind to the traffic that could be generated by a development like this and make a recommendation as to whether that is acceptable or not. In this case no objections were raised around traffic that could be generated by this specific development from Council's infrastructure services. That aspect

concern has been assessed as part of the process. You also raised car parking. The sites provide sufficient car parking to meet the requirements of the Planning Scheme. Each unit has a double garage and also has provision for visitor carparking. So that is sufficient to meet the requirements of the Planning Scheme. Those are requirements we have to assess at the application at hand. It meets requirement of planning scheme and anything above that there is no obligation on the applicant and we not be able to defend that in the future. I think you are referring to the subdivision channel permit issued which I don't have with me, but off the top of my head in 2015 or 2017. Then in 2019 an application to amend that application was to satisfy some of the wording on the condition in January. Originally it had future golf course accommodation something along those lines and it was changed to possible golf course accommodation. I'll have to take your word for it in January 2019"

Question Kevin Mountey referred to the Planning permit application PInApp21/213 - 8 Fairway Drive Waldara and expressed concern for the lack of parking and the restrictions that apply to some of the blocks.

Director Stephen Swart responded "The response I will provide is the same one that I provided before. The requirements of the planning scheme are met by this application. It would not be reasonable for us to say well in this case you need to provide a number of additional car parking above what the planning scheme requires because it would be hard to defend that position should that change. There are people that boats and caravans that live in places that don't have storage facilities. Storage facilities are one of the options that people go for. There are a variety of other options available. They might know someone with enough storage. It's not up to the planning process where people will park their caravan or boat. There are some restrictions on the remaining lots in the subdivision that lots on the Yarrowonga Road have to present to the Yarrowonga Road so that is just one example of restrictions. That restriction does not apply to this specific lot."

Question: Kevin Mountey "Why?"

Director Stephen Swart responded "When the subdivision was done originally the restriction was put in place specifically on a number of lots in the subdivision and this lot was purposefully left out. That was not a mistake it was by design. When I look at the documentation and try to cast my mind back to see what happened at that point it's clear to me that a range of restrictions that applied to other sites in this lot intended were intended apply for this lot. One of the other restrictions come to mind the is the fact rest of in the estate you cannot subdivide your lots any further. That restriction doesn't apply to this lot."

Question: Kevin Mountey "So that lot has totally different standards?"

Director Stephen Swart responded "Yes. You also notice that this lot is bigger in size than most of the other lots in the subdivision again that an indication that this lot was intended for a different type of development."

Question Lionel Allpress referred to the Planning permit application PInApp21/213 - 8 Fairway Drive Waldara and expressed concern, but explained his questions had been previously answered.

(Moved: Councillor D Fuller/Councillor A Fitzpatrick)

That standing orders be suspended so people that need to leave can leave and to allow councillors a quick break.

Carried

(Moved: Councillor D Rees/Councillor H Bussell)

That Standing Orders be resumed commencing from item 14.1.

Carried

17. Special Committee Reports

Nil

18. Advisory Committee Reports

Nil

19. Minutes of Advisory Committee Meetings

Nil

20. Notices of Motion

Nil

21. Urgent Business

Nil.

22. Public Question Time

22.1 Paula Griffiths

Council has approved of ARTC's plans to construct a massive bridge in Glenrowan that will heavily interfere with the views and visits to the Glenrowan Inn by its ramps and five meter high structure going well past the Ann Jones Inn, turning it into an alleyway.

It will also cut access to Siege Street East and the Glenrowan Station, at Beaconsfield Street.

Is Council aware that ARTC, in an email reply to an inquiry on 5 March 2019, stated that the bridge would be "the most invasive" option towards the heritage precinct? In the same email ARTC had other options under consideration as at 5 March 2019 but Council's reply to my question on 22nd February 2022 failed to identify them.

ARTC stated; We have also considered relocating the bridge, at the request of Council and the local Improvers Group. Seven locations were considered:

- Edward to Woolshed Street
- Kelly to Kate Street
- Kelly to Woolshed Street
- Burns to Ned Street
- Boundary to Quarry Road
- Boundary to Moyhu Road

We also considered Edward to Woolshed Street, Kelly to Kate St for a vehicle underpass.

Were these options ever under consideration by Council?

If so, why has it failed to notify these options publicly?

Will council now seek that ARTC abandon its disruptive bridge, re-advertise these options and also consider the option of cut and cover under-grounding of the line through Glenrowan?

Director Swart responded "Council's formal position on Inland Rail Project, as documented in a Council resolution from April 2021, includes in principle support for the ARTC's proposal to replace the existing Beaconsfield Parade bridge at Glenrowan with a new bridge directly to the west of the existing bridge. That Council resolution also supports the ARTC commencing State government approval processes for the proposed works at Glenrowan. This process is ongoing.

A visual representation of the proposed bridge is available in the ARTC's Inland Rail website including a 3D model and comparison with the exiting bridge.

In answer to your specific questions:

Council is not aware that a ARTC email stated in March 2019 that the proposed bridge would be "the most invasive" option towards the heritage precinct. One of the early options put forward by the ARTC was to lower the track through the Glenrowan site to create the vertical clearance required. In January 2019 Council resolved not to support this option due to the potential negative impact it would have on the heritage values of the site and requested the ARTC to investigate options to remove the existing bridge and construct a new bridge in a suitable location. A new bridge immediately adjacent to the existing bridge (as currently proposed) was determined to be the preferred solution due to achieving better outcome in terms of heritage and other considerations.

Council is aware that the ARTC has considered several options at Glenrowan. These options were discussed with the ARTC, but Council have not formally considered each of them as Council is not the statutory decision maker for this project. The consultation process related to the Inland Rail project is the responsibility of the ARTC and Council continues to work with the ARTC. The ARTC has been and continues to engage the community on this work.

Council will not seek that the ARTC abandon the proposal and supports the ARTC's current proposal at Glenrowan. The impacts of this proposal from a heritage point of view, is the subject of a permit process through Heritage Victoria."

22.2 Joanne Griffiths

Re: the proposed tower development in Glenrowan Heritage Precinct.

Council meeting on 22 February was informed that the claimed view of the intended derailment site from the proposed tower location in Lions Park, cannot be obtained.

Does Council acknowledge that this view was specifically used to justify its application to Heritage Victoria for the location of the tower, in the centre of Lions Park?

Does Council acknowledge this was against Heritage Victoria concerns based on two major heritage studies recommending against any building in the centre of park?

On 22 February I also asked Council whether all the views allegedly obtainable from the proposed tower as claimed in its Heritage Impact statement had been surveyed.

The reply from the Council stating a full site survey had been done did not answer the question.

2. When will Council produce proof of all the claimed views it claims to have surveyed, to satisfy the public

a) that its Heritage Victoria application for the proposed tower was true and correct as it certified, and:

b) that its application was properly and legally approved?

If it cannot or will not, why should this unbalanced heritage development be permitted to proceed?

Director Swart responded "The Heritage Impact Statement assessed the impact to the heritage place based on the proposal. The sighting of the building will provide improved views, (improved: to make better than otherwise exists) from the viewing platform, of the various significant locations across the site. The view toward the derailment site will take in the curving rail line. The location of the building supports an understanding of the relationship between the sites, whether they currently exist in their original form or not.

The Heritage Impact Statement does not note that the building "should" be sited in the centre of the park. It assessed the impact to the heritage place based on the proposal (including the siting of the building) and found it had a minor impact. All locations for the building and viewing platform that had been noted in previous studies were considered and found that none provide the views that the selected location does while preserving the open character of the southern rail reserve being setback both from the rail corridor and Gladstone Street. The location of the project site is at the edge of the important open space area. It has been placed as far south as possible while still enabling access to the views.

Council has provided information as part of the permit application process and detail can be found in the accompanying documentation. This information was made available publicly as part of the permit application process.

Council has followed all statutory requirements and provided all required documentation in obtaining the required approvals for the project.”

23. Confidential Business

Nil.

24. Closure of Meeting

The Meeting closed at 8:10pm.