

WANGARATTA RURAL CITY COUNCIL



RURAL CITY OF
WANGARATTA

MINUTES OF THE ORDINARY MEETING
OF THE WANGARATTA RURAL CITY COUNCIL, HELD
IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES,
62-68 OVENS STREET, WANGARATTA
ON **TUESDAY, 18 FEBRUARY 2014** COMMENCING AT 6.00PM

Brendan McGrath
CHIEF EXECUTIVE OFFICER

As at 21/02/14 2:29 PM

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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

Administrators:

Mrs Ailsa Fox, Chair; Ms Irene Grant; Mr Rod Roscholler

Officers Present:

Mr Brendan McGrath, Chief Executive Officer; Mrs Ruth Kneebone, Director Corporate Services; Mr Adrian Gasperoni, Acting Director Infrastructure Services; Ms Cheryl Impink, Acting Director Community Wellbeing

4. ABSENT

Nil

5. ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE

Nil

ORDER OF BUSINESS

6. CITIZENSHIP CEREMONY

The Australian Citizenship ceremony was held.

7. CONFIRMATION OF MINUTES

(Moved: Administrator A Fox/ Administrator I Grant)

Recommendation

That the Minutes of the Ordinary Meeting of 21 January 2014 be taken as read and confirmed as a true and accurate record of the proceedings of the meeting.

Carried

8. CONFLICT OF INTEREST DISCLOSURE

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act 1989* Councillors are required to disclose a 'conflict of interest' in a decision if they would receive, or could reasonably be perceived as receiving, a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

Disclosure must occur immediately before the matter is considered or discussed.

9. RECEPTION OF PETITIONS

Nil

10. HEARING OF DEPUTATIONS

Nil

11. PRESENTATION OF REPORTS

11.1 ADMINISTRATORS' REPORTS

Nil.

11.2 OFFICER REPORTS

11.2.1 EXECUTIVE SERVICES

11.2.1.1 DIRECTORATE REPORTS

Council Plan

20.030.001

Introduction

Part of Council's mission is to provide the leadership necessary to maintain open communication and community engagement. Providing regular reports to the community on the organisation's activities contributes to achieving this mission.

Background

A report is provided on the organisation's activities for the period 1 October – 31 December 2013.

Issues

This report describes those activities of Council which were undertaken during the reporting period and which are not subject to an individual Council Report (*refer attachment*).

(Moved: Administrator I Grant/ Administrator R Roscholler)

Recommendation

That Council resolves to receive and note the Directorate Activity Report for the reporting period 1 October – 31 December 2013.

Carried

11.2.1.2 COUNCILLOR SUPPORT AND CIVIC EXPENSE REIMBURSEMENT POLICY

Councillor Issues & Information

10.010.005

Introduction

This report presents Council's draft Councillor Support and Civic Expense Reimbursement Policy, for adoption by Council.

Background

Sections 75, 75A, 75B and 75C of the *Local Government Act 1989* (the Act) outline that Councillors are entitled to resources and facilities support and reimbursement of expenses related to their duties as a Councillor.

Section 75B of the Act states that:

- (1) *A Council must adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees.*
- (2) *A policy adopted by Council under this section must be consistent with -*
 - (a) *the prescribed types of Councillor out-of-pocket expenses that must be reimbursed if the expenses are reasonable and bona fide; and*
 - (b) *the prescribed procedures to be followed by Councils in relation to the reimbursement of out-of-pocket expenses.*

A workshop, facilitated by Lydia Wilson and Topsy Petchey of PW Leadership Development, was conducted with the elected Councillors as a process of review of the current "Reimbursement of Expenses for Councillors and Members of Council Committees Policy".

The proposed policy is an outcome of that review.

Issues

Changes to the current policy include:

1. provision of personalised letterhead to Mayor and Councillors for use in relation to Council business under prescribed circumstances; and
2. clarification regarding the processing of mail addressed to councillors.

The new policy addresses new matters and provides for greater clarity of the matters covered by the policy.

Implications

Council Plan Outcomes

The Council Plan 2013-2017 contains an objective to provide accessible, open and consultative government.

Policies

This policy applies to elected Councillors and will take effect following the 2016 election. A separate policy will apply to Administrator expense reimbursement.

Sustainability

There are no sustainability implications for this decision.

Community Engagement

No Community engagement was undertaken in relation to this decision the matter is procedural and is required by the Act.

Conclusion

In accordance with the Act, it is proposed that Council repeals the current policy and adopts the new policy.

(Moved: Administrator A Fox/ Administrator R Roscholler)

Recommendation

That Council resolves to:

- 1. repeal the current ‘Reimbursement of Expenses for Councillors and Members of Council Committees’; and***
- 2. adopt the new policy – ‘Councillor Support and Civic Expense Reimbursement Policy’ with the following additions:***

a) After dot point 7 on page 7 of the policy insert the following:

Note: The following disclaimer will be printed at the foot of Councillor letterhead

‘This letter reflects the position of the writer and should not be regarded as communicating any formal position of (or as binding in any way) Wangaratta Rural City Council.

b) That the words “Responses to” be deleted from the second last paragraph on page 7.

Carried

Communication

Once operative, this policy will be made available on Council’s website and a copy will also be made available for inspection at the Municipal Offices.

11.2.1.3 ADMINISTRATOR EXPENSE REIMBURSEMENT POLICY

Council Policy Review

10.005.003

Introduction

This report presents Council's Draft Administrator Expense Reimbursement Policy for adoption by Council.

Background

Sections 75, 75A, 75B and 75C of the *Local Government Act 1989* (the Act) outline that Councillors are entitled to resources and facilities support and reimbursement of expenses related to their duties as a Councillor.

Section 75B of the Act states that:

- (1) *A Council must adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees.*
- (2) *A policy adopted by Council under this section must be consistent with—*
 - (a) *the prescribed types of Councillor out-of-pocket expenses that must be reimbursed if the expenses are reasonable and bona fide; and*
 - (b) *the prescribed procedures to be followed by Councils in relation to the reimbursement of out-of-pocket expenses.*

Further, the '*Instrument Fixing Terms and Conditions of Appointment*' for administrators, dated 21 October 2013, provides guidance regarding reimbursement of expenses for administrators.

Issues

This draft policy applies to administrators and provides for greater clarity of the matters covered by the policy (***refer attachment***).

Implications

Council Plan Outcomes

The Council Plan 2013-2017 includes a Governance objective to provide accessible, open and consultative government.

Policies

This policy applies to administrators. A separate policy will apply to elected Councillors and will take effect in this regard following the election of councillors in 2016.

Sustainability

This policy has no effect on the sustainability of the Council.

Community Engagement

No Community engagement was undertaken in relation to this decision as the matter is procedural and is required by the Act.

Conclusion

In accordance with the Act it is proposed that Council adopts the new policy.

(Moved: Administrator R Roscholler/ Administrator I Grant)

Recommendation

That Council resolves to:

- 1. adopt the new policy – ‘Administrator Expense Reimbursement Policy’;
and***
- 2. provide that the policy ceases to have effect on the day of the first
meeting of an elected Council.***

Carried

Communication

A copy of this policy will be made available on Council’s website and also at the Municipal Offices.

11.2.1.4 COUNCIL MEETING DATES AND VENUES 2014

Council Meetings

10.020.002

Background

The *Local Government Act 1989* (S.89 (4)) requires that reasonable notice be given to the public of meetings of the Council. This has been achieved by publishing the date and location of the meeting in the Wangaratta Chronicle on two consecutive Fridays prior to the meeting and the annual calendar of meetings on Council's website.

Council has maintained a policy of conducting four Council Meetings annually in rural townships throughout the Rural City of Wangaratta since 1997.

The program of meeting in rural townships since 2000 has been as follows:

15 February 2000	Whorouly Multi-purpose Centre
16 May 2000	Bowmans/Murmungee Hall
15 August 2000	Springhurst Hall
21 November 2000	Milawa Hall
20 February 2001	Glenrowan Multi-Purpose Centre
15 May 2001	Peechelba Community Facility
21 August 2001	Markwood Hall
20 November 2001	Myrree Hall
19 February 2002	Greta/Hansonville Hall, Greta
21 May 2002	Carboor Hall
20 August 2002	Boorhaman Hall
19 November 2002	Cheshunt Hall
18 February 2003	Bobinawarra Hall
20 May 2003	Edi Upper Hall
19 August 2003	Glenrowan Multi-Purpose Centre
18 November 2003	Everton Hall
17 February 2004	Oxley Hall
18 May 2004	Moyhu Memorial Hall
17 August 2004	Peechelba Community Facility
23 November 2004	Tarrawingee Hall
15 February 2005	Whitfield Swinburne Pavilion
17 May 2005	Milawa Hall
16 August 2005	Glenrowan Multi-Purpose Centre
15 November 2005	Eldorado Hall
21 February 2006	Springhurst Hall
16 May 2006	Myrree Hall
15 August 2006	Boorhaman Hall
21 November 2006	Whorouly Multi-purpose Centre
20 February 2007	Bowmans/Murmungee Hall
15 May 2007	Cheshunt Hall
21 August 2007	Greta/Hansonville Hall
20 November 2007	Carboor Hall
19 February 2008	Everton
20 May 2008	Peechelba Community Facility

19 August 2008	Moyhu Hall
21 October 2008	Tarrawingee Hall
17 February 2009	Edi Upper Hall
19 May 2009	Oxley Recreation Reserve
18 August 2009	South Wangaratta CFA
17 November 2009	Eldorado Hall
16 February 2010	Springhurst Hall
18 May 2010	Glenrowan Recreation Reserve Hall
17 August 2010	Myrree Hall
16 November 2010	Markwood Hall
15 February 2011	Milawa Hall
17 May 2011	Bowmans/Murmungee Hall
16 August 2011	Boorhaman Hall
15 November 2011	Whitfield Swinburne Pavilion
21 February 2012	Peechelba Community Facility
15 May 2012	Greta/Hansonville Hall
21 August 2012	Carboor Hall
13 November 2012	Everton Hall
19 February 2013	Cheshunt Hall
21 May 2013	Whorouly Hall
19 November 2013	Eldorado Hall

Issues

Council must establish its schedule of Ordinary Council Meeting dates and venues for 2014 to allow for notice to be given and advance planning.

A draft schedule of the 2014 Ordinary Council Meeting dates and venues has been developed. This schedule has been developed to achieve a geographical spread of rural meetings throughout the year. The draft schedule for Council meeting locations is as follows:

Tuesday 21 January	6.00 pm Wangaratta
Tuesday 18 February	6.00 pm Wangaratta
Tuesday 18 March	6.00 pm Wangaratta
Tuesday 15 April	6.00 pm South Wangaratta CFA
Tuesday 20 May	6.00 pm Moyhu Soldiers Memorial Hall
Tuesday 17 June	6.00 pm Wangaratta
Tuesday 15 July	6.00 pm Wangaratta
Tuesday 19 August	6.00 pm Wangaratta
Tuesday 16 September	6.00 pm Whitfield AC Swinburne Pavilion
Tuesday 21 October	6.00 pm Tarrawingee Hall
Tuesday 18 November	6.00 pm Wangaratta
Tuesday 9 December	6.00 pm Wangaratta

Implications

Council Plan Outcomes

The proposed 2014 Ordinary Meeting dates and venues schedule meets our objective of community leadership through the provision of accessible, open and consultative government which is further specified under an action to 'hold four Council meetings in rural townships, and eight in the Government centre on a rotational basis.'

Community Engagement

Conducting Ordinary Council Meetings in rural townships promotes closer interaction with all areas of the municipality.

(Moved: Administrator I Grant/ Administrator R Roscholler)

Recommendation

That Council resolves to endorse the schedule of Ordinary Council Meeting dates and venues for 2014 as follows:

<i>Tuesday 21 January</i>	<i>6.00 pm Wangaratta</i>
<i>Tuesday 18 February</i>	<i>6.00 pm Wangaratta</i>
<i>Tuesday 18 March</i>	<i>6.00 pm Wangaratta</i>
<i>Tuesday 15 April</i>	<i>6.00 pm South Wangaratta CFA</i>
<i>Tuesday 20 May</i>	<i>6.00 pm Moyhu Soldiers Memorial Hall</i>
<i>Tuesday 17 June</i>	<i>6.00 pm Wangaratta</i>
<i>Tuesday 15 July</i>	<i>6.00 pm Wangaratta</i>
<i>Tuesday 19 August</i>	<i>6.00 pm Wangaratta</i>
<i>Tuesday 16 September</i>	<i>6.00 pm Whitfield AC Swinburne Pavilion</i>
<i>Tuesday 21 October</i>	<i>6.00 pm Tarrawingee Hall</i>
<i>Tuesday 18 November</i>	<i>6.00 pm Wangaratta</i>
<i>Tuesday 9 December</i>	<i>6.00 pm Wangaratta</i>

Carried

Communication

Public notification will be provided of Council's 2014 Ordinary Meeting dates and venues.

11.2.2 SUSTAINABILITY

11.2.2.1 BUDGET REVIEW 2013/14

Council Budget 2013/14

51.060.021

Introduction

The purpose of this report is to provide a summary of the outcome of a review of Council's 2013/14 budget.

Background

A Budget Review was undertaken by Council officers during October to December 2013. The process involved adjustment of the 2013/14 Adopted Budget, where appropriate, for known circumstances such as:

- unbudgeted Council governance costs;
- unsuccessful grants;
- identified projects that could be deferred;
- identified cost savings; and
- issues impacting capital and operational income and expenditure.

The *Local Government Act 1989* (the Act) requires Council to prepare a budget for each financial year. In addition, a Council must prepare a revised budget if circumstances arise which cause a material change in the budget and which affects the financial operations and position of the Council.

Issues

Budget Result

The 2013/14 budget review was impacted by extensive governance costs incurred by the previous Council of \$1.93M, compared to budgeted governance expenditure of \$714,000. This deficit will impact Council's long-term financial sustainability by placing its liquidity ratio into the Victorian Auditor General's high risk category for the 2013/14 to 2016/17 financial years. This impact has been documented in previous budget reports with the 2013/14 budget deficit estimated to be \$967,827 in the November 2013 budget review report.

Since this time, Council officers have identified the following amendments.

	\$
November forecast 2013/14 Budget Deficit	(967,827)
Operational projects deferred to 2014/15	60,924
Capital projects (net) deferred to 2014/15	189,494
Further budget net savings	121,000
New projects	(293,295)
Current forecast 2013/14 Budget Deficit	(889,704)

Details of these amendments are provided on the attached financial report (**refer attachment**).

New Projects 2013/14

A number of new project submissions, totalling \$293,295 have been assessed by management for Administrator's consideration (**refer attachment**).

Operational Budget

The following operating projects have been deferred to 2014/15:

• Bella Vista Offset planting	\$ 2,764
• Roadside Partnership Program	\$ 7,760
• energy efficient street light changeover (\$120K remaining)	\$ 45,400
• Soundshell Refurbishment Concept Design	<u>\$ 5,000</u>
	\$ 60,924

Capital Budget

The following capital projects have been deferred to 2014/15:

• Livestock Exchange Roofing Project	\$700,000
• associated borrowings	(\$700,000)
• Recreation Parklands Masterplan	\$116,441
• associated transfer from Council reserves	(\$ 66,441)
• Wangaratta Transport Study Implementation	\$ 64,439
• Whorouly Football Club change rooms (alternative funding package being pursued)	\$ 35,000
• Council Chamber PA & induction loop	<u>\$ 40,055</u>
	\$189,494

Implications

The budget review has been prepared based on existing service levels.

All proposed new projects are consistent with Council Plan objectives.

Conclusion

As a result of the 2013/14 budget review, a number of projects have been deferred and operational savings identified. These, together with the approval of a number of new projects will result in a net budget position for 2013/14 of an \$889,704 deficit.

(Moved: Administrator R Roscholler/ Administrator I Grant)

Recommendation

That Council resolves:

- 1. the review of the 2013/14 budget be confirmed; and***
- 2. the reviewed 2013/14 budget after adjustments set out in this report becomes the point of reference for the remaining 2013/14 financial reports and financial key performance indicators.***

Carried

11.2.2.2 RATING STRATEGY REFERENCE GROUP NOMINATIONS

Rating Strategy Reference Group

52.020.008

Introduction

This report details nominations for the appointment of members to Council's Rating Strategy Reference Group.

Background

The Rating Strategy Reference Group is an Advisory Group to Council (Reference Group), which will provide advice and make recommendations to Council for the development of a new Rating Strategy.

In accordance with the group's terms of reference the group will comprise of between five and seven community members appointed by Council representing a cross section of ratepayer categories including, Residential, Farm/Rural, Commercial and Industrial.

The appointees will remain in office until the completion of the review, or 31 March 2014, whichever is the earlier.

Issues

An expression of interest was called for nominations for membership of the Reference Group which opened on the 17 January 2014 and closed on 31 January 2014. Letters were also sent to the following groups;

- Victorian Farmers Federation;
- Residents of Retirement Villages Victoria Inc.;
- St Johns Retirement Village;
- Australia Red Cross;
- St. Vincent De Paul Society;
- Business Wangaratta; and
- Uniting Church in Australia Pty Ltd.

Three nominations have been received. The Terms of Reference recommend that the group be comprised of five to seven members. Vacancies therefore exist for a minimum of two positions.

Implications

Council's 2009-2013 Council Plan contains a Key Action to "Undertake a rating review to ensure that the rating strategy is consistent with Council Plan objectives".

Policies

The Terms of Reference set out the requirements for the group to operate under.

Sustainability

Reference Groups provide a positive outcome for the sustainability of the local community.

Community Engagement

Reference groups provide for the opportunity for the community to have an input into Council's strategies.

Conclusion

The following recommendation for appointments will ensure that the Reference Group has the experience and skills required to provide advice to Council into the development of Council's Rating Strategy.

(Moved: Administrator A Fox/ Administrator I Grant)

Recommendation

That Council resolves to:

- 1. appoint the following representatives to the Rating Strategy Reference Group:***
 - Tammy Atkins;***
 - Stephen Oxley;***
 - Lauren McCully; and***
- 2. delegate to the Chief Executive Officer the power to make further appointments to the Rating Strategy Reference Group.***

Carried

Communication

The successful nominees will be advised of their appointment.

11.2.2.3 PLANNING PERMIT APPLICATION PLN08-205A.01 - AMENDMENT TO PERMIT 08-205A, 24 LOT SUBDIVISION AT TATHRA, LOT C PS 519308, 85 WENHAMS LANE WANGARATTA VIC 3677,

PlnApp

08-205a.01

Introduction

This report deals with an amendment to planning permit 08-205a from a 19 lot subdivision to a 24 lot subdivision.

The amended application was initially submitted as a 32 lot subdivision and removal of native vegetation but was subsequently amended as a result of objections received from residents and concerns raised by Council and North East Catchment Management Authority (NECMA).

Discussion and assessment of the application against the relevant requirements of the Wangaratta Planning Scheme follows within this report.

Background

Applicant: Oxley & Company
Owner: SK Dalton & JR Dalton
Subject Land: Lot C PS 519308 Vol 10762 Fol 957
Tathra 85 Wenhams Lane WANGARATTA VIC 3677
Zone/s: Low Density Residential Zone
Overlay/s: Flood Overlay
Land Subject to Inundation Overlay

Recommendation

A recommendation is made to grant the application and that a Notice of Decision to Grant a Permit be issued.

Site and Context

The land comprises 15.47 hectares, is located approximately 3.5 km to the south of the Wangaratta Central Activities Area, and is in a low density residential area which forms part of the Clarkes Lane expansion area.

The land is irregular in shape with the north western boundary delineated by the One Mile Creek West Branch and the north eastern boundary delineated by the One Mile Creek East Branch. The confluence of these creeks is at the northern tip of the subject land. The southern boundary of the land is bounded by the "Laceby Grange Estate" which is currently being developed.

The subject land, as well as the "Laceby Grange Estate" is part of an Overall Development Plan which was submitted to Council with the Laceby Grange Estate application. The subject land is vacant except for an existing dwelling.

Current access to the dwelling is via a private bridge over One Mile Creek East Branch from Wenhams Lane.

There are scatters of native vegetation, particularly located along the riparian zones of both the West Branch and East Branch of One Mile Creek. Some established exotic trees are also located adjacent to the existing dwelling. The balance of the land has been grazed for some years, and mainly consists of perennial grasses. Access to the subject land is created via Pin Oak Drive which runs as a crescent from Clarkes Lane to Elm Avenue.

Figure 1 - Site Plan:



Proposal

The proposal is to amend an existing permit which was originally granted for a 19 lot subdivision with all lots over 4000 m². Since this permit was granted, changes to the state planning provisions have allowed for lot sizes to reduce to 2000 m² if reticulated sewer is connected.

The amendment was initially submitted for a 32 lot subdivision and the removal of native vegetation. This subdivision layout showed lots generally less than 3000 m² but with several between 3000 m² to 4376 m², a lot of 9055 m² containing the existing dwelling and a residual Lot A of 5.6 ha. Native vegetation was largely contained on lots over 4000 m², however some native trees were to be removed or could not be protected as a result of the layout.

Residual Lot A is to be retained in private ownership as it was assessed in the original approved application as not being desirable for Council to retain as Reserve. However, protection of the riparian zone was considered important, therefore, protection of this area is to be achieved via a Section 173 Agreement on this permit consistent with the conditions on the original permit.

No public open space land is provided as part of the proposal therefore a 5% contribution will be required by condition.

As a result of objections received and concerns raised by Council and NECMA, the amendment application was revised. This will be discussed further below.

The revised amended plan submitted 10 December 2013 (Version 7) showed a 25 lot subdivision; however, amended plans will be required as a result of the concerns raised in the assessment which will result in a 24 lot subdivision being approved. (*refer attachment*)

Planning Permit Trigger

The following zones and overlays are triggered by this application:

- Clause 32.03-3 Low Density Residential Zone – Subdivision;
- Clause 44.03-2 Floodway Overlay – Subdivision; and
- Clause 44.04-2 Land Subject to Inundation Overlay – Subdivision.

Relevant Planning Provisions

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

Section	Clause	Provision
State Planning Policy Framework	13.02-1	Floodplain management
	15.01-3	Neighbourhood and subdivision design
Local Planning Policy Framework - MSS	21.06	Urban Development and Central Activities Area
Local Planning Policy Framework - Local Planning Policy	Nil	
Zones	32.03	Low Density Residential Zone
Overlays	44.03	Floodway Overlay
	44.04	Land Subject to Inundation Overlay
Particular Provisions	56.07	Integrated Water Management
Other Relevant Provisions/Documents/Information	Nil	

Referrals

The application was referred to the following referral authorities:

Section	Authority	Response
External Section 52 Referral	Nil	
External Section 55 Referral	CFA	No objection with no change to original conditions
	North East Water	No objection with amended conditions
	North East CMA	No objection with amended conditions
	Goulburn Murray Water	No objection with amended conditions
	SP AusNet	No objection with amended conditions
	APA Group	No response, no previous conditions

Internal Departmental Advice

Department	Response
Technical Services	No objection with amended conditions

Advertising

The initial application was advertised to adjoining land owners and an advertisement was placed in the Wangaratta Chronicle. Council received 16 objections and a conciliation meeting was held on the 30 October 2013. As a result, the applicant reviewed the proposal and submitted a revised proposal for consideration.

Consequently, three objections were withdrawn, and two objectors reiterated their objections resulting in 13 objections remaining outstanding.

The issues raised in the representations are summarised below and comments made.

Issue	Comment
Neighborhood character in particular in relation to lot density, size and proposed kerb and channel.	The reduction in lot density and increase in lot size for many of the lots from the initial amendment proposal as well as the consent from Technical Services that kerb and channel will not be required has significantly mitigated this issue.
Increased traffic through estate and subsequent safety issues	It is not considered that an increase of five lots from the originally approved permit of 19 lots would have a significant impact on traffic safety.

Issue	Comment
Loss of Native Vegetation	No longer an issue. No native vegetation to be removed as a result of amended development plan and all residual native vegetation will be either contained on lots over 4000 m ² and/or protected by a Section 173 Agreement.
Impact on Services	All the relevant authorities have been consulted in relation to utility services and no concerns have been raised over the ability of the infrastructure to service the development.
Drainage treatment and capacity	It is not considered that the amended proposal would impact any further on drainage compared to the originally approved proposal. All drainage will be designed in accordance with the current Infrastructure Development Manual (IDM) standard to Council satisfaction and conditions requiring this will be included on any permit issued.
Impact access to some lots will have on amenity	The applicant has taken this issue into consideration and agreed to amend access to lots 19 and 22 to minimise impact on existing residents. A condition requiring amended plans for endorsements will be required to ensure this is achieved.
Resale Value	Not a valid planning consideration however it is unlikely the amended proposal would have any significant impact.
Emergency exit in case of fire	The application was referred to CFA who have not raised any concern with the road layout design. This has essentially has not changed from the originally approved plan.
Street addressing	Street address renumbering to cater for the altered layout will be required to five lots on the east branch of Pin Oak Drive. Of these lots, only three have been developed and it is understood a private agreement between the developer and the owners of the affected lots to compensate for the inconvenience has been made.
Connection to Recreation Facilities	A bike path from Pin Oak Drive between lots 5 and 6 is proposed to connect with the existing bike path network on the north side of One Mile Creek.

Planning Assessment

State Planning Policy Framework (SPPF)

Clause 13.02-1 Floodplain management

“To assist the protection of:

- *Life, property and community infrastructure from flood hazard.*
- *The natural flood carrying capacity of rivers, streams and floodways.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance or of importance to river health.”*

The proposal has been designed to ensure all lots can contain a building envelope outside the floodplain and NECMA conditions will ensure no fill is located below the 148.8m Australian Height Datum (AHD) as well as restricting fencing and development below this level. This will ensure minimal impact to the floodplain and protection of life and property from flood hazard.

Clause 15.01-3 Neighbourhood and subdivision design

”To ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.”

The final layout which has taken into consideration the concerns of all parties is considered to achieve the objective of this policy.

Local Planning Policy Framework (LPPF)

Clause 21.06 Urban Development and Central Activities Area

Future Subdivision and Development:

“Encourage and provide a range of innovative residential subdivision and development design and type to provide a sense of community, a sense of place and neighbourhood, adequate access, pedestrian and vehicular connectivity, attractive recreational spaces, human interaction, a range of lot size, a variety of housing types and affordable housing.”

It is considered the proposal meets the above policy, in particular given the range of lot sizes.

Zone

Clause 32.03 Low Density Residential Zone

“To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.”

All lots will be connected to reticulated sewer and are over the minimum lot size of 2000 m² where reticulated sewer is connected.

All utility services are available and the development completes, and is consistent with, the first stages of development in this estate.

Overlay/s

Clause 44.03 Floodway Overlay

“To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.”

The proposal has been designed to ensure all building will be outside the floodplain and NECMA conditions will ensure no fill is located below the 148.8m AHD. This will ensure minimal impact to the floodplain.

Clause 44.04 Land Subject to Inundation Overlay

“To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.”

All building envelopes for the development have been shown to be located outside the overlays and flood levels. Initially some fill was proposed within the 1% Average Exceedence Probability (AEP) flood extent, however, subsequent to concerns raised by NECMA, the applicant has agreed to amend plans to show consolidation of lots 9 and 10 to allow more scope for a satisfactory building envelope and remove any need for fill within this area.

A condition on the permit requiring amended plans to be submitted showing the consolidated lots will be required.

Furthermore, conditions on the permit required by NECMA will limit development to outside the flood extent as well as restricting fencing requirements.

Particular Provisions

Clause 56.07 Integrated Water Management

This clause requires the provision of adequate drinking water as well as management of urban run-off, waste water and recycled water.

Reticulated water and sewer is to be connected and all drainage will be management in accordance with the current IDM standards which includes the requirement for rainwater tanks of at least 22,500 litres.

Conclusion

It is considered that the proposed subdivision is consistent with the objectives of the Wangaratta Planning Scheme.

Submissions to the application have raised concerns in relation to neighbourhood character, traffic safety, native vegetation removal and amenity issues. The applicant has attempted to address many of the concerns raised in the amended proposal. In addition, the proposed conditions are considered to have mitigated these issues.

The application was also referred to relevant external authorities, who have provided no objection to the proposal subject to the inclusion of conditions. It is therefore recommended that the application be supported and appropriate conditions applied to any permit.

(Moved: Administrator R Roscholler/ Administrator I Grant)

Recommendation

That Council resolves to issue a Notice of Decision to Grant an amended Planning Permit (NOD) with respect to Planning Application Pln08-205a.01 – for a 24 Lot Subdivision on land at Tathra, Lot C PS 519308, 85 Wenhams Lane WANGARATTA VIC 3677, subject to the following conditions which replace the conditions on the original permit:

- 1. Prior to the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit.
The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with Outline Development Plan Version 7, but modified to show;***
 - a) Lots 9 and 10 consolidated;***
 - b) Relocation of driveways for lots 19 and 22 in accordance with draft ODP version 10;***
 - c) Building exclusion zones pursuant to NECMA condition 60(a); and***
 - d) No fill placement proposed within lots 8 – 10 pursuant to NECMA condition 60(b);***
- 2. The subdivision permitted by this permit as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the Responsible Authority.***
- 3. Prior to the issue of a Statement of Compliance on site a landscaping plan and specification detailing features designed to enhance the visual and environmental amenity of the subdivision is to be prepared by the applicant, and submitted to and approved by the Responsible Authority. The plan must show:***
 - a) Street tree planting in accordance with Council's current Tree Management Strategy;***
 - b) Landscaping and planting within all open areas of the site; and***

- c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, pot sizes, sizes at maturity, and quantities of each plant.**
- 4. Prior to the issue of a Statement of Compliance the works detailed on the approved landscaping plans shall be completed to the satisfaction of the Responsible Authority.**
- 5. Prior to the issue of a Statement of Compliance street trees must be planted and maintained in accordance with Council's current Tree Management Strategy.**
- 6. Prior to the issue Statement of Compliance, Council requires a full Riparian Zone Management Plan to be prepared, submitted and endorsed so as to form part of the planning permit. The Management Plan is to incorporate care of remnant vegetation, the removal and management of weeds and the exclusion of grazing and fencing of riparian zones. This Management Plan will be registered on titles pursuant to a Section 173 agreement as per condition 7 of this permit.**
- 7. Prior to the issue of a Statement of Compliance, the owner of Lots A, 1, 2, 3, 4, 5, 6, 7, 23 and 24 must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to provide for the following:**
- a) No clearing of native vegetation is permitted on the subject land;**
 - b) The responsibility of active management of the riparian zone in accordance with the Riparian Zone Management Plan is the responsibility of the owners of said Lots; and**
 - c) No further subdivision of and no additional dwellings on Lot A pursuant to NECMA condition 64.**

Application must be made to the Registrar of Titles to register the Section 173 agreement on the title to the land under Section 181 of the Act. The owner/operator under this permit must pay the full costs of the preparation, (and) execution and registration of the section 173 agreement.

- 8. Prior to the issue of a Statement of Compliance, the developer must fence, at its own cost, the boundary of the allotments abutting Lot A. Such fencing is to be constructed to the standard required by the Responsible Authority, and must be compatible with other fences within the subdivision.**
- 9. Prior to the issue of a Statement of Compliance the applicant or owner must pay to the Council a sum equivalent to five per cent of the site value of all land in the subdivision. This payment may be varied under Section 19 of the Subdivision Act 1988. The applicant or owner must advise Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation for payment in lieu of open space.**

10. ***Prior to the issue of a Statement of Compliance, the applicant must undertake, or cause to be undertaken, full construction of all new roads, shared paths and footpaths, drainage and related infrastructure. All the works must conform to plans and specifications prepared at the expense of the applicant by a qualified civil engineer, and endorsed by the Responsible Authority prior to commencement of construction. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with the Infrastructure Design Manual (IDM), the Urban Stormwater: Best Practice Environmental Management Guidelines 2006, published by CSIRO, and all relevant permit conditions. All construction plan approvals will lapse if the Planning Permit is extended.***

Drainage

11. ***Prior to the issue of a Statement of Compliance, all storm-water runoff originating from the subject property and the adjacent catchment to the south of that property during a 5-year ARI event must be collected and conveyed by underground pipes to one or more legal points of discharge nominated by the Responsible Authority. Unless these pipes are located within a reserve, easements must be created in favour of the Rural City of Wangaratta to facilitate the future maintenance of these assets.***
12. ***Prior to the issue of a Statement of Compliance, permanent overland and/or underground flood pathways must be identified or established to handle the maximum storm-water runoff that may reasonably be expected to affect the subject property in a 100-year ARI event. Unless the flood pathways are located within a reserve, appropriate easements must be created in favour of the Rural City of Wangaratta to facilitate future maintenance of these assets.***
13. ***Before construction begins, detailed drainage plans with computations must be prepared by a qualified civil engineer with appropriate experience in accordance with Section 16 of the IDM, and be submitted to and approved by the Responsible Authority.***
14. ***Prior to the issue of a Statement of Compliance, the peak discharge from and through the fully developed site in a 5-year ARI event must be limited to a level that does not exceed the peak pre-development discharge from the subject property, plus any additional discharge from the upstream catchment. This limitation must be applied both across the whole site and at each nominated legal point of discharge.***

15. Prior to the issue of a Statement of Compliance, the applicant must EITHER submit specific plans and computations prepared by a qualified civil engineer with appropriate experience for approval by the Responsible Authority in order to demonstrate how the discharge limitation specified above will be achieved OR enter into an Agreement under Section 173 of the Planning and Environment Act 1987 to the effect that, before a building is constructed on any Lot:

- a) a rainwater tank with a total capacity of at least 22,500 litres must be installed on the Lot and must be and remain connected to the roof of each and every building on the Lot;**
- b) the tank must be equipped with a fixed outlet, 50mm in diameter, installed in a manner that ensures that a reserve capacity of 11,250 litres will be restored automatically after each rainfall event; and**
- c) the combined discharges from the fixed outlet and tank overflow must be collected and conveyed by underground pipes to a nominated legal point of discharge, with all work being completed to the satisfaction of the Responsible Authority.**

The applicant must, at their own expense, register any such agreement on the title of each Lot and evidence provided of lodgement, and its existence must be noted on the endorsed construction plans.

16. Prior to the issue of a Statement of Compliance, the drainage plans must incorporate measures to enhance the quality of water discharged from the site and protect downstream infrastructure and waterways by the application of water-sensitive urban design principles. All the works must be designed and constructed in accordance with Section 20 of the IDM, and to the satisfaction of the Responsible Authority.

Traffic Engineering and Roads

17. Prior to the issue of a Statement of Compliance, the new section of Pinoak Drive must be designed and constructed to at least the standard of an Access Street as defined in Section 12 Table 2 of the IDM, with a minimum 7.5m carriageway, but retaining the existing 20m reserve width. To maintain visual continuity with adjacent developments, the requirement for kerb-and-channel has been waived. However, the carriageway must be protected by edge strips in accordance with IDM Standard Drawing SD100, and suitable arrangements must be made to collect and convey surface flows from the road and from impervious areas within the Lots by underground pipes.

18. Prior to the issue of a Statement of Compliance, appropriate traffic calming measures must be provided to restrict vehicle speeds to the target 40kph for Access Streets.

Access

19. Prior to the issue of a Statement of Compliance, the applicant must provide, or cause to be provided, a sealed vehicle crossing to provide access to each Lot. The crossing must be designed and constructed in accordance with IDM clause 12.9 and standard drawing SD260.

Footpaths and Shared Paths

20. Prior to the issue of a Statement of Compliance, the applicant must provide, or cause to be provided, a footpath or shared path on at least one side of the new section of Pinoak Drive, designed and constructed in accordance with the relevant provisions of IDM Clause 13.3 and, as appropriate, standard drawing SD205.

21. Prior to the issue of a Statement of Compliance, all roadways and footpaths or shared paths within the development must be located above the LSIO Boundary, with any necessary measures being taken to ensure the safety of users and the long-term security of the relevant infrastructure.

Staged Development

22. Prior to the issue of a Statement of Compliance, if the applicant wishes to complete the works in stages, construction plans and specifications for each stage, including temporary works required to facilitate traffic movements once the stage is complete, must be submitted to and approved by the Responsible Authority.

23. Temporary easements must be provided prior to the issue of a Statement of Compliance for each stage so that Council has access to all drainage infrastructure essential to the operation of that stage, and any previous stages, including infrastructure that will ultimately be located in the road reserve.

24. Should an Access Street terminate at the boundary of the subject property on completion of any stage, Prior to the issue of a Statement of Compliance, a temporary court bowl, secured by an easement of way, must be designed and constructed to the satisfaction of the Responsible Authority and arrangements must be made to ensure that permanent sealed surfaces are not damaged by traffic using the bowl.

25. Unless the development of the property beyond that point commences within two years of the date upon which a Statement of Compliance is issued for the completed stage, any such court bowl must be upgraded to a permanent, sealed facility, designed and constructed to the satisfaction of the Responsible Authority. The applicant must enter a bond in favour of Council securing payment of an amount sufficient to cover the full costs of such an upgrade.

Construction

- 26. Before the works commence, a site management plan detailing the measures to be taken to control stormwater discharge and sedimentation on the site during the construction process must be submitted to, and approved by, the Responsible Authority.**
- 27. The applicant must ensure that all practicable measures are taken to maintain vehicle and machinery hygiene, and to avoid the spread of soil-borne pathogens and weed seeds.**
- 28. No excavated or construction materials may be placed or stored outside the site area or on the adjoining road reserves, except where the materials are required in connection with any road or footpath construction works in such reserves that are required as part of this permit.**
- 29. Care must be taken to preserve the condition of existing infrastructure adjacent to the site. If any damage to existing infrastructure occurs as a result of this development, the affected infrastructure must be replaced, and the full cost met, by the applicant, to the specification and satisfaction of the Responsible Authority.**
- 30. All infrastructure created by this development must be maintained by the applicant for a period of 3 months following practical completion, and the applicant must thereafter accept liability for correcting defects that become evident during the following 9 months.**
- 31. For each stage, the applicant must provide the Responsible Authority with a maintenance bond equal to 5% of the civil construction costs (excluding GST). This bond will be held by the Authority until any and all defects notified to the applicant before or during the liability period have been made good to the satisfaction of the Authority.**
- 32. For each stage, the applicant must pay to the Responsible Authority plan checking fees equal to 0.75% of the total civil construction costs (excluding GST) and site supervision fees equal to 2.5% of the total civil construction costs (excluding GST).**
- 33. All drains and batters, and all areas disturbed in the course of the works, must be topsoiled and seeded to establish grass cover. The reserve areas must be tidied, levelled and trimmed to a standard capable of being maintained by a small tractor and slasher.**
- 34. As-constructed drawings, in DWG or DXF format, for all civil construction works covered by the permit must be submitted to, and accepted by, the Responsible Authority. The road data must be provided in R-SPEC format and the drainage data in D-SPEC format.**

- 35. Before undertaking any works on public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.**
- 36. The owner of the land must enter into an agreement with:**
- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**
- 37. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:**
- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**
- 38. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
- 39. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
- 40. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**

41. This permit will expire if one of the following circumstances applies:

- a) The plan of subdivision is not certified within two years of the date of this permit; and**
- b) Provided (a) is complied with, the subdivision must be registered with the Lands Titles Office within five (5) years of the certification date.**

The Responsible Authority may extend the periods referred to, if a request is made in writing before the permit expires or within six months afterwards.

Country Fire Authority (CFA) Conditions

42. Subdivision plan not to be altered

- a) The subdivision as shown on the endorsed plans must not be altered without the consent of CFA.**

43. Hydrants

- a) Operable hydrants, above or below ground must be provided to the satisfaction of CFA.**
- b) The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.**
- c) Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au)**

44. Roads

- a) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.**
- b) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.**

SP AusNet Conditions

- 45. Enter in an agreement with SPI Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.**
- 46. Enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.**
- 47. Enter into an agreement with SPI Electricity Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.**
- 48. Provide easements satisfactory to SPI Electricity Pty Ltd for the purpose of “Power Line” in the favour of “SPI Electricity Pty Ltd” pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing SPI Electricity Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.**
- 49. Obtain for the use of SPI Electricity Pty Ltd and other easement required to service the lots.**
- 50. Adjust the position of any existing SPI Electricity Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.**
- 51. Set aside on the plan of subdivision Reserves for the use of SPI Electricity Pty Ltd for electric substations.**
- 52. Provide survey plans for any electric substations required by SPI Electricity Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30years. SPI Electricity Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.**
- 53. Provided to SPI Electricity Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.**
- 54. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by SPI Electricity Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.**

55. Ensure that all necessary auditing is completed to the satisfaction of SPI Electricity Pty Ltd to allow the new network assets to be safely connected to the distribution network.

Goulburn Murray Water (GMW) Conditions

56. All works within the subdivision must be done in accordance with EPA Publication 960 “Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites”, September 2004.

57. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of North East Water.

58. All existing native vegetation within 30 metres of a waterway must be maintained.

59. The Plan of Subdivision must show either building envelopes or building exclusion zones to prevent future buildings from being located:

- a) Within 30 metres of any waterway, and**
- b) On land that has a slope of greater than 20 percent.**

North East Catchment Management Authority (NECMA) Conditions

60. Amended plans to the satisfaction of the Responsible Authority and the Floodplain Management Authority must be submitted to and approved by the responsible authority and the Floodplain Management Authority prior to a certification of plan of subdivision. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) a building exclusion zone defined by the limits of the RL 148.8m AHD existing surface contour and a 30 m offset from One Mile Creek East Branch and One Mile Creek West Branch; and**
- b) No fill placement proposed within lots 8 to 10, below RL 148.8m AHD.**

When approved, the amended plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.

- 61. Prior to a certification of plan of subdivision, building exclusion zones must be shown on titles of proposed lots 1 to 15, in order to restrict building or works below RL 148.8 m AHD and the 30m offset from the One Mile Creek East Branch and One Mile Creek West Branch. Wording of the restriction should state: No buildings may be situated within the building exclusion zone unless otherwise approved with written consent by the Rural City of Wangaratta and the North East Catchment Management Authority.**
- 62. Any fencing on land located below the RL 148.8 m AHD contour, should be of an open style that would permit water to pass through freely, for example post and wire fencing. No solid, chain or fine mesh type fence shall be constructed below the RL 148.8 m AHD contour.**
- 63. The finished floor levels of all new dwellings (all lots) must be at least 300 mm above the declared 1% AEP flood level i.e. minimum floor level of all dwellings RL 149.1 m AHD.**
- 64. Prior to certification of the plan of subdivision, the owner must enter into an agreement with the responsible authority made pursuant to Section 173 of the Planning and Environment Act 1987, and make application to the Registrar of Title to have the agreement registered on the title to the land under Section 181 of the Act which provides that no dwelling can be constructed on proposed Lot A and this lot cannot be further subdivided. The owner/applicant must pay the reasonable costs of the preparation, execution and registration of the Section 173 agreement.**

North East Water (NEW) Conditions

- 65. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a formal agreement with North East Water for the complete construction works necessary for the provision of reticulated water supply to each of the lots within the subdivision, at the owners cost, to the satisfaction of North East Water and in accordance with its current policy and requirements.**
- 66. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into an agreement with North East Water for the complete construction works necessary for the provision of reticulated sewerage services to each of the lots within the subdivision, at the owners cost, to the satisfaction of North East Water and in accordance with its current policy and requirements.**
- 67. Prior to the issue of a Statement of Compliance the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to the water supply system currently servicing the area in which the subject land is located.**

- 68. Prior to the issue of a Statement of Compliance the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to sewers and disposal systems currently servicing the area in which the subject land is located.**
- 69. The applicant must create easements to the satisfaction of and in favour of North East Water, over all existing and proposed sewerage facilities within the proposed subdivision.**
- 70. The applicant must ensure that private water services do not traverse property boundaries and are independently supplied from a point of supply approved by North East Water.**
- 71. The applicant must provide easements through other land, to the satisfaction of North East Water, if such easements are considered necessary for the efficient and economic servicing of the subject land.**
- 72. That the applicant pays a new customer contribution determined in accordance with North East Water's policy for development charges, applicable from time to time towards North East Water's sewers and disposal systems servicing the area to which the permit applies.**
- 73. North East Water's consent must be sought by the Responsible Authority prior to issuing a Statement of Compliance under the Subdivision Act 1988.**
- 74. Where the subject land is developed in stages, the above conditions will apply to any subsequent stage of the subdivision.**
- 75. Where an easement created in favour of North East Water is located within a proposed road reserve in a future stage, prior to the certification of the plan of subdivision for that stage, the applicant must formally remove the easement from the title to the land.**

Carried

Communication

The applicant and objectors will be advised of Council's decision.

11.2.2.4 STANDING ADVISORY COMMITTEE FOR NEW RESIDENTIAL ZONES

Amendment C53 New Residential Zones

73.030.067

Introduction

This report describes the process for implementation of new residential Zones to the Wangaratta Planning Scheme. As Wangaratta Council has commenced the amendment process, a number of options are available to proceed to the conclusion of the amendment.

Background

The Minister for Planning recently announced the appointment of a Standing Advisory Committee (SAC) to assist Councils in Victoria to introduce the new residential zones (Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone) into their planning schemes.

Amendment C53 to the Wangaratta Planning Scheme has been prepared to accommodate the new Zones. However, a number of Councils in Victoria are not ready to introduce the new zones into their planning schemes as they have not completed the required studies that provide the strategic direction/justification for the introduction.

The role of the SAC is to support councils to implement the new zones into their local planning schemes within the set timeframe of 30 June 2014. Councils wishing to use the SAC must make a request in writing to the Chief Panel Member by Friday 21 February 2014. A Briefing Session will be held for Council staff and agencies in Melbourne on 28 February 2014.

Planning staff have sought advice from the Regional Manager Planning at Department of Transport, Planning and Local Infrastructure (DTPLI) and the Senior Project Manager from Planning Panels Victoria (PPV) regarding how best to use the services of the SAC. Both DTPLI and PPV are aware that Council has already made significant progress in this matter and that Amendment C53 to the Wangaratta Planning Scheme has been prepared and is on exhibition.

Issues

Advice received from DTPLI and PPV is that Wangaratta Council has three options:

1. Council set aside the whole process of Amendment C53 undertaken so far and go through the Advisory Committee from the very start. This means that DTPLI will prepare the amendment documents with Council (including zone schedules and maps), before public notification in March/April 2014. Any submissions received by Council will be referred to the SAC for consideration. The Committee will report directly to the Minister for Planning. Council will have no role in the process and all the costs associated with the amendment process will be borne by DTPLI.

2. Council to continue with the current Amendment C53 process and proceed through the SAC following the completion of exhibition of Amendment C53. This means that instead of going through the normal process (ie. through an independent Panel appointed by PPV) Council will use the SAC as a panel. All submissions received by Council at the end of the exhibition of Amendment C53 will be forwarded to the Committee. The SAC will review the submissions and hold hearing/s. The implication for Council is that the Advisory Committee will report directly to the Minister for Planning and not to Council. Council has to bear the cost of the Committee - acting as a Panel.
3. Council to continue with the normal amendment process for Amendment C53 and proceed to a panel (not seeking assistance from the SAC) after the completion of exhibition. This means that the panel will report to the Council and the Council will have the ability to consider the report/recommendations and determine the future course of action. Council must bear the cost of the panel.

Implications

Option 1 is not recommended as Council has already covered the process to a great extent and the amendment is currently on exhibition. A large number of letters (just under 2,000) have been sent out to the affected property owners and there was a media report the local paper in relation to this amendment (C53). It would complicate matters if Council discontinued the process, to then be undertaken by the DTPLI again after a gap of a few months. Advice from the DTPLI and the PPV also confirms that setting aside the process at this stage will not be advisable.

Council may choose between Option 2 and Option 3. The merit of Option 2 is that this process would be faster and would meet the deadline (30 June 2014). Secondly, the Council would get the benefit of the expertise of the Standing Advisory Committee which would comprise members with expertise in the area of residential development and would have greater appreciation of what amendment C53 seeks.

The merit of Option 3 is Council would have the opportunity to consider and decide on the recommendations of the panel, but this process may be protracted and Council may not achieve the deadline (30 June 2014). The advice received from the DTPLI and PPV confirms that there will be no extension of the deadline, however, the DTPLI will take over the process and implement the new zones as desired by Councils. The DTPLI advises that it is a matter of procedure.

Conclusion

It is considered that Option 2 is the best option for the implementation of new residential zones. This option also provides Council with the benefit of the expertise of the Standing Advisory Committee for further processing the Amendment 53.

(Moved: Administrator R Roscholler/ Administrator I Grant)

Recommendation

That Council resolves to continue with the current Amendment C53 process for the implementation of the new residential zones and proceed through the Standing Advisory Committee (SAC) following the completion of exhibition process of this amendment.

Carried

Communication

A letter to be sent from the Chief Executive Officer to the Chief Panel Member Planning Panels Victoria requesting that the Standing Advisory Committee act as a panel for the introduction of the new residential zones into the Wangaratta Planning Scheme. The letter is to be received by PPV by 21 February 2014.

11.2.3 COMMUNITY WELLBEING

11.2.3.1 COMMUNITY GRANTS - MAJOR

Community Grants

68.040.001

Introduction

Each year, Council provides a Community Grants Program to assist 'not for profit' community groups and organisations. An assessment of applications received under the 2013/14 Major Category has been completed and the recommended projects for funding are provided in this report.

Background

The aim of the Community Grants Program (CGP) is to provide financial assistance to local 'not for profit' community groups and organisations for the development of programs, activities and projects that will develop and enhance the social, cultural and environmental experience for the residents of the Rural City of Wangaratta.

The CGP enables Council to support initiatives developed by the local community which add to the overall quality of life for the residents of the Rural City of Wangaratta.

The CGP is aligned with the Community Planning and Engagement programs for both rural and urban areas, providing a means to realise projects identified in community plans. The grants are assessed using set criteria that must be complied with.

The process includes an Expression of Interest (EOI) submission with a formal application to follow on invitation. The steps of assessment currently in place provide greater ability to:

- identify projects that could be funded through other means;
- identify opportunities where resources can be shared;
- ensure there is a community approach; and
- provide input from across the organisation to consider a broader range of interests and potential opportunities.

The major category EOI process was open and advertised from 27 May 2013 to 9 August 2013. Council received 17 EOIs for projects requesting a total of \$330,283. The EOIs were considered by a panel with representation from Council Units.

The panel assessed each EOI for eligibility using the assessment criteria and guidelines (**refer attachment**). At the completion of this process, the panel recommended 14 community groups proceed to the full application process.

Three EOI's were rejected for not meeting the CGP assessment criteria and guidelines or a more appropriate source of funding was recommended. Positive and constructive feedback has been provided to all groups.

The most common issues with ineligible projects submitted were:

- the projects was existing in Council's program of works or seen as Council's responsibility; and
- the applicants had not investigated other opportunities for funding.

Issues

The applications closed on 8 November 2013 and subsequently 13 applications were received. Major Grant funding requests totalled \$228,875 which exceeded available funds of \$134,308, by \$94,567.

The applications were assessed and scored according to the assessment criteria by the assessment panel. The highest scoring applications were recommended for funding. Decisions were based on meeting the following criteria with a weighting as indicated:

- | | |
|---|-----|
| • benefits to the community
(15% group/15% broader community) | 30% |
| • demonstrated connection to the 2030 Community Vision,
Council Plan or relevant community action plan | 20% |
| • the group's capacity to make a contribution | 20% |
| • contribution from other sources | 10% |
| • capacity to deliver project; | 10% |
| • clearly defined aims and goals of the project | 10% |

Implications

Council Plan Outcomes

The 2013-2017 Council Plan contains an objective *'To improve community wellbeing.'* This is further specified in a Key Strategic Activity to *'Support our community to be resilient.'*

Sustainability

The total budget allocation for 2013/14 for the Major category is \$134,308 (GST exclusive). Community groups can apply for funds up to \$25,000 per project. Out of the 13 applications, the top six scoring applications are proposed to receive the full funding requested with a total of \$128,786; leaving a balance of \$5,522. It is recommended that this balance be carried forward for the Community Grant Program in 2014/15 as there was not a project that could be achieved partially or fully with this amount.

A total of \$53,786 has been recommended to fund three urban grant applications and a total of \$75,000 recommended to fund three rural grants applications.

The recommendations have been based on the scoring of the applications and are not fully aligned to the resolution for funds disbursement between rural and urban locations, which was decided by Council at its Ordinary meeting on 27 June 2011. At this meeting, Council adopted the revised process and guidelines for the CGP for implementation in 2011/2012, which contained the following description for the Major Category funds disbursement:

Major Category

An allocation of \$125,000 be provided to support at least five significant projects.

To maintain the previous commitment of Council to the funding of rural projects previously provided through the Rural Towns Program, an amount of \$100,000 will be targeted for projects that are aligned with a community plan priority. The remaining \$25,000 will be available for projects identified in the urban area using Council's Engagement Strategy and a partnership approach to identify suitable projects.

Since this resolution there has been CPI annual adjustment which has resulted in the available funds of \$134,308 for the Major Grant program.

Community Engagement

Council Officers work closely with the potential applicants of the CGP Major Category and encourage significant projects, requiring matching funds from other sources and linking to the Council Plan and relevant community plans.

Conclusion

The applications received in 2013/14 are worthy projects identified as priorities for that group and/or the community.

The following recommendation has been determined utilising a thorough assessment process and is submitted to Council for adoption.

(Moved: Administrator I Grant/ Administrator A Fox)

Recommendation

That Council resolves to endorse the allocation of the 2013/14 Community Grants Program as follows:

Name		Project	\$ Amount
1.	Bobinawarra Soldiers Memorial Hall	Upgrade of Memorial Hall, polish floor, install porch over entrance, repair doors and windows, paint, replace spouting, switchboard upgrade, purchase stove and fridge to provide a more amenable community meeting space.	25,000

Name		Project	\$ Amount
2.	Carevan Wangaratta Inc.	Purchase a motor vehicle to tow the 2.3 tonne Carevan, to satisfy both operational and safety requirements.	15,400
3.	Moyhu Football Netball Club	Upgrade kitchen to meet health and safety requirements to allow for compliant kiosk operation by all user groups of the recreation reserve.	25,000
4.	Oxley Recreation Reserve	Provide a roofed meeting and eating area, split system air conditioner, toilet upgrade and dump point for RV travellers that will support tourism within a 50km catchment.	25,000
5.	Wangaratta District Men's Shed	Purchase a broad range of welding, carpentry and machining equipment for members to undertake activities.	13,386
6.	Wangaratta Table Tennis Association	Repairs to the roof, enclosing the eaves and insulating the walls to improve the amenity.	25,000

Carried

Communication

The successful and unsuccessful applicants will be informed of Council's decision.

11.2.3.2 SPECIAL COMMITTEES OF COUNCIL – COMMITTEE MEMBERSHIP APPOINTMENTS

Council Committees

10.020.008

Introduction

Further to a report presented at Council's Ordinary meeting on 16 July 2013, an additional committee nomination has been received. This report seeks Council's endorsement of a nomination for one of the Rural City of Wangaratta's Section 86 Special Committees.

Background

Council called on interested individuals in the community to nominate as a representative of Special Committees. The initial nominations for Special Committees membership opened on 17 April 2013 and closed on 17 May 2013.

Each Special Committee Charter indicates an ideal number of members. As at 17 May 2013 not all Committees were fully subscribed and therefore as further Special Committee nominations are received these will be provided to Council for endorsement.

Issues

Council has received a nomination to the Whorouly Memorial Park Special Committee outside the advertised appointment time frames.

Implications

Council Plan Outcomes

The Special Committees of Council are responsible for the management, promotion and maintenance of the facilities under their control.

These responsibilities are consistent with the *Rural City of Wangaratta Council Plan 2013-2017* Objective 4.1 'To plan for and provide infrastructure appropriate to the community's needs'.

Policies

The Appointment to Council Committees Policy directly relates to this matter.

Council must make formal appointments to Section 86 Special Committees as required under the *Local Government Act 1989*.

Sustainability

The responsibilities delegated to the Special Committees promote:

- the exchange of information between the Committee and Council;
- closer links between Council and Section 86 Committees of Council;
- create greater awareness of the needs of the community and of the facilities managed on Council's behalf; and
- increased community use of Council facilities.

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

Community Engagement

Subsequent to the initial correspondence and advertisements calling for nominations, Council officers have been working closely with Special Committees to formalise membership and increase participation of committee members and user group representation where appropriate.

Conclusion

As a consequence of this committee nomination, one additional recommendation is proposed. Further community and user group nominations received following this process will be addressed in a future council report.

(Moved: Administrator I Grant/ Administrator R Roscholler)

Recommendation

That Council resolves to appoint J. Neary, representing the Whorouly Cricket Club Inc., as a member of the Whorouly Memorial Park Special Committee for a period of three years from 1 August 2013 to the 31 July 2016.

Carried

Communication

Notification of the appointment will be made to the newly appointed member and to the Section 86 Special Committee.

11.2.3.3 DRAFT MULTICULTURAL STRATEGY

Multicultural Strategic Plan

60.020.006

Introduction

The purpose of this report is to seek Council's endorsement to place the Draft Rural City of Wangaratta Multicultural Strategy 2014 - 2017 on public exhibition for a period of 28 days (*refer attachment*).

Background

Council is committed to promoting a culture of respect and harmony for all and values individuals and communities of diverse and multicultural backgrounds for their rich contribution to the Rural City of Wangaratta (RCoW) community.

This strategy supports the commitment to enhance Council's work with the community and partners in embracing and supporting cultural diversity and addressing identified community need.

The main goals of the Multicultural Strategy are:

- to promote unity, harmony and connection;
- to support the community to become empowered and engaged;
- to build a connected community through effective partnerships and advocacy; and
- to provide culturally appropriate services and programs that are accessible, and meet the communities changing needs.

The Multicultural Strategy was identified as an action in Council's Plan 2009-2013 (2.1.2.1, "*work in partnership with key stakeholders to develop a Multicultural Strategic Plan*")

The intent of the Multicultural Strategy is to provide strategic direction and an action plan for how Council will respond to, and work with, the multicultural community.

Issues

Extensive consultation was undertaken with the local multicultural community, stakeholders and partners through community surveys, focus groups and stakeholder meetings. The outcomes of the community engagement strongly informed the actions and initiatives outlined in the strategy.

The information gathered played a vital role helping to inform and strengthen Council's commitment to working in partnership with local and regional service providers, community groups, and organisations.

Implications

Council Plan Outcomes

The development of the Multicultural Strategy meets the following outcomes from the Rural City of Wangaratta 2013 – 2017 Council Plan:

2.1.1.4 - Support cultural groups to celebrate their heritage.

2.4.1.7 - Work in partnership with key stakeholders to implement a Multicultural Strategic Plan.

The development of the Draft Multicultural Strategy has been informed by significant community consultation and input from key stakeholders and has been achieved within the allocated budget. It is proposed that the Draft Multicultural Strategy be made available to the community and key stakeholders for comment.

The Multicultural Strategy will be translated into languages other than English and / or the provision of translator services will be made available upon request. The top four languages spoken within the Rural City of Wangaratta are Italian, German, Greek, and Filipino/Tagalog.

Sustainability

This Draft Multicultural Strategy 2014 - 2017 has no immediate financial impact. However, resourcing of some actions will require consideration in future Council budgets.

Community Engagement

- The community has been engaged extensively throughout the development of the Multicultural Strategy 2014 - 2017. Community consultation undertaken in the development of this strategy is outlined below, with 196 people contributing their thoughts and ideas through surveys, meetings, workshops and focus groups. Many different cultures and languages were represented, with the consultation process including the following methods:
- Community Survey - in 'postcard' format and a longer 2 page version (in English and Italian). The survey was distributed throughout the municipality and at cultural events and activities held in the 6 months leading up to the development of the strategy. The survey was also available online;
- Focus Groups – 6 focus groups were held in the consultation period leading up to the development of the strategy; and
- Stakeholder Meetings - meetings with key internal and external stakeholders/partners: Community Planning, Community Support North East, North East Multicultural Association, North East Health, Italian Pensioners Association, Pangerang House, Global Skills for Provincial Victoria, Open Door Neighbourhood House, The Centre, High Country Library, Wangaratta Indoor Sports and Aquatic Centre, Hume Regional Aged Care Assessment Service and Wangaratta Children's Services.

Conclusion

The Draft Rural City of Wangaratta Multicultural Strategy 2014 - 2017 provides strong direction on how we work with our multicultural communities into the future and will enable us to respond to the new and changing needs of our multicultural community.

(Moved: Administrator I Grant/ Administrator R Roscholler)

Recommendation

That Council resolves to place the Draft Rural City of Wangaratta Multicultural Strategy 2014 – 2017 on public exhibition for a period of 28 days.

Carried

11.2.4 INFRASTRUCTURE SERVICES

11.2.4.1 CONTRACT 1314/024 SHARED PATH AND FOOTPATH AT ELDORADO TENDER

C1314/024 Shared Path and Footpath at Eldorado

30.075.024

Contract Details

This is a lump sum contract for constructing a footpath from the Eldorado Museum, via the Gunhouse Park to the Hall, and a shared path from the Hall to the Recreation Reserve. The route for the footpath runs in the southern nature strip of Main Street for 390m. The shared path begins west of the driveway leading to the Hall from Main Street, and continues westwards for 1550m to the Recreation Reserve.

Advertised Contract Dates

Tenders for this contract were invited through advertisements in The Wangaratta Chronicle on 29 November 2013 and on Council's website via Tenderlink.

Tenders closed at 2.00pm on Thursday 19 December 2013.

There was a no pre tender meeting for this contract.

Tender Evaluation Panel

The tender evaluation panel comprised Council's Senior Engineer – Design & Development, Projects Coordinator and Graduate Engineer.

Tenders Received

The following tenders were received by the due date:

Tenderer
Morrissy Civil Pty Ltd (Tactile)
Bordignon Excavations
CM Thorwood Pty Ltd
JCR Civil Pty Ltd

The only local contractor, Bordignon Excavations, submitted a conforming bid. The panel members agreed that the tender evaluation must be based on the conforming prices.

Tender Evaluation

The tender was evaluated in accordance with evaluation criteria set out in the Conditions of Tendering. The evaluation criteria are based upon a Weighted Attribution Method as follows:

Criteria	Description	Weighting
Tender Price	Total price of work	50%
Capacity	Capacity to perform contract works using scheduled plant and resources	20%
Capability	Experience and performance in previous similar works	20%
OHS systems	Level of certification and commitment to OHS	10%
Total		100%

Panel members assigned a score (maximum 100) to each criteria (as shown below) and then weighted the average score to produce a final Weighted Attribution Method Score.

P	Evaluation Result	Criteria
100	Exceptional	Demonstrated capacity exceeds all required standards and innovations proposed.
90	Excellent	Demonstrated capacity exceeds all required standards.
70	Good	Complies with all required standards and capacity demonstrated.
50	Satisfactory	Complies with relevant standards without qualifications.
30	Marginal	Complies with relevant standards with qualifications.
0	Unsatisfactory	Fails to satisfy required standards.

Summary of the Weighted Attribution Method Score is as follows:

Tenderer	Score
Morrissy Civil Pty Ltd (Tactile)	70
Bordignon Excavations	59
CMThorwood Pty Ltd	49
JCR Civil Pty Ltd	49

The highest value reflects the most favourable tender assessment.

Budget Comparison

This project is one of several projects funded through the State Government Grants to upgrade public infrastructure within the Eldorado township.

The recommended tender is comparable to the Project Budget.

Conclusion

The successful tenderer has undertaken extensive recent works for Council that included works similar to the scope of this project. The tender submitted was very competitive and represents good value to Council.

(Moved: Administrator R Roscholler/ Administrator I Grant)

Recommendation

That Council resolves to:

- 1. award Contract C1314-024 for Shared Path and Footpath at Eldorado to Morrissy Civil Pty Ltd (Tactile);***
- 2. sign and seal all relevant documents for C1314-024 for Shared Path and Footpath at Eldorado when available; and***
- 3. disclose the contract price of \$211,145 exclusive of GST, for Contract C1314-024 for Shared Path and Footpath at Eldorado.***

Carried

11.2.4.2 CONTRACT 1314-031 FOR THE SUPPLY OF ELEVATED WORK PLATFORM TRUCK

C1314-031 for the Supply of an Elevated Work Platform Truck

30.075.031

Contract Details

Contract C1314-031 is for the supply of a truck with an elevated work platform. This vehicle is used by Council's Tree and Bridge Crews and also for other emergency purposes.

The full specification is included in Appendix 2 of this report. The purchase is part of Council's ongoing fleet replacement program.

This acquisition program for the Elevated Work Platform Truck was conducted under the Municipal Association of Victoria (MAV) Procurement Contract BUS229-0712; Truck Bodies and Trailers, and the MAV Procurement Contract BUS198-0410; Trucks, Vans and Buses.

The MAV process is a group aggregation tender / contract which Council are qualified to use. This process fully complies with Council's Procurement Policy and the tendering provisions of the *Local Government Act 1989*.

Quotation Dates

Request for quotations was made to the full panel of vendors on the MAV approved list and was posted on 6 November 2013. The closing date for the quotations was 28 November 2013. The MAV reference for the request was VP000000011975.

There was no pre tender meeting for this contract.

Tender Evaluation Panel

The tender evaluation panel comprised Council's Manager – Projects & Contracts, Team Leader – Depot Workshop and Manager – Facilities & Open Spaces.

Tenders Received

The following quotations were received by the due date:

Tender
Blacklocks Wodonga Isuzu FVR 1000 Auto with LG Tower
Blacklocks Wodonga Isuzu FVR 1000 Auto with Terex TL 60 Tower
Twin City Trucks Wodonga

Tender
DAF FA LF 55 E18 Fitted with LG Tower
Jacob Wodonga Hino 1728 Auto fitted with LG Tower
Fuso Geelong Truck & Bus Mitsubishi 1627 fitted with GMJ LLF19.350 Tower (with 400 litre alloy tank)
Fuso Geelong Truck & Bus Mitsubishi 1627 fitted with GMJ LLF 19.350 Tower (with 2 steel fuel tanks)

The existing elevated work platform truck was offered for trade-in.

Tender Evaluation

The tender was evaluated in accordance with evaluation criteria set out in the Conditions of Tendering. The evaluation criteria are based upon a Weighted Attribution Method as follows:

Criteria	Weighting
Price	35%
Service and Maintenance	25%
Warranty	20%
Features and OH&S	10%
Fuel efficiency and emissions standard	10%
Total	100%

Panel members assigned a score (maximum 100) to each criteria (as shown below) and then weighted the average score to produce a final Weighted Attribution Method Score.

P	Evaluation Result	Criteria
100	Exceptional	Demonstrated capacity exceeds all required standards and innovations proposed.
90	Excellent	Demonstrated capacity exceeds all required standards.
70	Good	Complies with all required standards and capacity demonstrated.
50	Satisfactory	Complies with relevant standards without qualifications.
30	Marginal	Complies with relevant standards with qualifications.
0	Unsatisfactory	Fails to satisfy required standards.

Summary of the Weighted Attribution Method Score is as follows:

Tenderer	Score	Score (with trade-in)
Isuzu FVR 1000 Auto with LG Tower	57	56
Isuzu FVR 1000 Auto with Terex TL 60 Tower	58	57
DAF FA LF 55 E18 Fitted with LG Tower	58	60
Hino 1728 Auto fitted with LG Tower	51	49
Mitsubishi 1627 fitted with GMJ LLF19.350 Tower (with 400 litre alloy tank)	54	54
Mitsubishi 1627 fitted with GMJ LLF 19.350 Tower (with 2 steel fuel tanks)	54	54

The highest value reflects the most favourable tender assessment.

Budget Comparison

The amount allocated in the plant replacement budget for the replacement of the Elevated Work Platform Truck is comparable to the tendered price with trade-in.

Conclusion

The DAF FA LF 55 E18 fitted with LG Tower unit as tendered by Twin City Truck Centre Wodonga scored the highest in the evaluation. Although it was the second lowest tendered price by a small margin, the unit scored well in all the other attributes including trade-in.

The panel recommend accepting the trade-in price offered by DAF.

(Moved: Administrator I Grant/ Administrator R Roscholler)

Recommendation

That Council resolves to:

- 1. award Contract C1314/031 for the supply of an Elevated Work Platform Truck to Twin City Trucks Wodonga for the DAF FA LF 55 E18 fitted with a LG Tower;***
- 2. sign and seal all relevant documents for C1314/031 for the supply of an Elevated Work Platform Truck when available; and***
- 3. disclose the net contract price of \$311,160 (excl GST), inclusive of trade-in price of \$63,000 (excl GST), for Contract C1314-031 for the supply of an Elevated Work Platform Truck.***

Carried

11.2.4.3 CONTRACT C1314/033 FOR RECONSTRUCTION OF OVENS AND TEMPLETON STREETS

C1314-033 Reconstruction of Ovens & Templeton Streets

30.075.033

Contract Details

This Contract is a lump sum contract for trenching and back filling a sinking trench line over North East Water Regional Water Authority (NERWA) assets, pavement reconstruction and sealing of Ovens and Templeton Streets.

The project is part of the Rural City of Wangaratta's Renewal Road Reconstruction program.

Advertised Contract Dates

Tenders for this contract were invited through Tenderlink and the Wangaratta Chronicle.

Tenders closed at 2.00pm on Thursday 30 of January 2014.

There was no pre tender meeting for this contract.

Tender Evaluation Panel

The tenders were evaluated by Council's Manager – Projects & Contracts, Senior Engineer – Contracts and an engineering consultant to the Rural City of Wangaratta.

Tenders Received

The following Tenders were received by the due date:

- Maxit Group P/L;
- Morrissy Civil Works; and
- Bordignon Excavations P/L

Tender Evaluation

The panel became aware that the Maxit Group P/L was the subject of a Supreme Court action to wind up the company. Company rating firm Dunn and Bradstreet provided a report which indicates that the company has been experiencing some financial stress.

The reconstruction of Ovens and Templeton streets is in a very high profile location and needs to be constructed with the greatest efficiency to minimise disruption to adjoining businesses and general traffic flows around the CBD.

Maxit Group P/L represents too great a risk to Council and has therefore not been considered further in this evaluation.

The remaining tenders were evaluated in accordance with evaluation criteria set out in the Conditions of Tendering. The evaluation criteria are based upon a Weighted Attribution Method as follows:

Criteria	Weighting	Description
Tender Price	50%	Total price of the work
Capacity to carry out contract works	25%	Contractors capacity to perform contract works using Scheduled plant and resources
Worksite management	15%	Ability to manage traffic, scope of works and site personnel in a high traffic environment
OHS systems	10%	Contractor's level of certification and commitment to OHS

Panel members assigned a score (maximum 100) to each criteria (as shown below) and then weighted the average score to produce a final Weighted Attribution Method Score.

P	Evaluation Result	Criteria
100	Exceptional	Demonstrated capacity exceeds all required standards and innovations proposed.
90	Excellent	Demonstrated capacity exceeds all required standards.
70	Good	Complies with all required standards and capacity demonstrated.
50	Satisfactory	Complies with relevant standards without qualifications.
30	Marginal	Complies with relevant standards with qualifications.
0	Unsatisfactory	Fails to satisfy required standards.

Summary of the Weighted Attribution Method Score is as follows:

Tenderer	Score
Morrissy Civil Works P/L	67
Bordignon Excavations P/L	58

The highest value reflects the most favourable tender assessment.

Budget Comparison

This project is one of a number of projects funded under Council's Renewal Road Construction budget.

The recommended tender is slightly above the estimated cost for the project. Savings have been achieved in other Renewal Road Reconstruction Program projects to cover the increase in expenditure.

Conclusion

Morrissy Civil Works are currently undertaking construction works for Council and have undertaken other significant works in the past in a satisfactory manner. It is considered that Morrissy Civil Works will be able to undertake this high profile project efficiently with the resources available to it and has therefore been recommended for acceptance.

(Moved: Administrator A Fox/ Administrator I Grant)

Recommendation

That Council resolves to:

- 1. award Contract C1314-033 for the Reconstruction of Ovens and Templeton Streets to Morrissy Civil Works P/L;***
- 2. sign and seal all relevant documents for Contract C1314-033 for the Reconstruction of Ovens and Templeton Streets when available; and***
- 3. disclose the contract price of \$270,523 (inclusive of GST), for Contract C1314-033 for the Reconstruction of Ovens and Templeton Streets.***

Carried

11.3 SPECIAL COMMITTEE REPORTS

Nil.

11.4 ADVISORY COMMITTEE REPORTS

11.4.1.1 ARTS CULTURE AND HERITAGE ADVISORY COMMITTEE – MEETING REPORT

Cultural/Arts Issues

67.010.006

Background

The Arts, Culture and Heritage Advisory Committee (ACHAC) held their bi-monthly meeting on 2 December 2013.

Attendees: Ken Gaudion, Rhonda Diffey, Lorraine Monshing, Tina Thompson, Valerie Brennan, Loueen Twyford, Dianne Mangan, Penny Hargrave, Justine Ambrosio.

There were no declarations of conflict of interest.

The following items from the meeting are reported to Council for information:

1. The acting Director Community Wellbeing gave an overview of the current council activities;
2. The Arts, Culture and Heritage Advisory Committee's Vision Statement & Plan was discussed;
3. A discussion ensued regarding the Wangaratta Art Gallery Upgrade Project Proposal and Business Case. A recommendation was made to strongly support the Wangaratta Art Gallery Facility Upgrade Business Case and will be the subject of a future report to Council;
4. The ACHAC Meeting Calendar for 2014; and
5. The Bi Monthly Report for Arts, Culture and Heritage services.

(Moved: Administrator R Roscholler/ Administrator I Grant)

Recommendation

That Council resolves to receive and note the report.

Carried

11.4.1.2 PLACE NAMING COMMITTEE – MEETING REPORT

Place Naming Committee

73.020.014

Background

The Place Naming Committee (PNC) held a meeting on Wednesday 11 December 2013 with the following members in attendance: Adrian Gasperoni, Sandra Dalton, Beryl Bellis, Marg Pullen, Val Gleeson, Helen Guilfoyle, Ivan Tippet, Julie Allen, Neil Ottaway, Ken Miller and Jane Kaye.

A conflict of interest was declared by Ivan Tippet in relation to the naming of a Percy Tippet Reserve.

The following items were discussed at the meeting:

- Anzac Commemorative Naming Project;
- Research for Street Naming History – ongoing;
- Planning referral requiring road naming;
- Request to rename part of Clark Street, Wangaratta; and
- Funding proposal for interpretive signage at Percy Tippet Reserve through the Anzac Commemorative Naming Project.

The following items are reported for information:

Unnamed Road in Londrigan

Further research to be considered and discussed at a future Committee meeting.

Proposal to Name Unnamed Road Between Wattle Range Road and Faithfulls Road, Tolmie

Further research to be considered and discussed at a future Committee meeting.

(Moved: Administrator A Fox/ Administrator R Roscholler)

Recommendation

That Council resolves to receive and note the report.

Carried

11.4.1.3 WANGARATTA UNLIMITED ADVISORY BOARD (COMMITTEE) MEETING REPORT

Wangaratta Unlimited Board

25.007.002

Background

The Wangaratta Unlimited Advisory Board (Committee) held their monthly meeting on Tuesday 4 February with the following members in attendance: Grant Jones, Barry Sullivan, Administrator Rod Roscholler, Stephen Oxley, Wendy Lester, Graham Church and Shivaun Brown.

There were no declarations of conflicts of interest.

New members Graham Church and Robert Floyd were welcomed to the Committee.

The following items were discussed at the meeting:

- Appointment of Chair – Grant Jones was appointed as Chair of Wangaratta Unlimited for a one year term; and
- Future focus of Wangaratta Unlimited in context of new Development Services Directorate.

Reports were received from the following committees or projects:

- Activities update 2013 achievements for Rural City of Wangaratta Economic Development Unit;
- Discussion regarding priorities for next twelve months; and
- Request for nomination for Rural City of Wangaratta Rating Strategy Review reference group. Wangaratta Unlimited nominated Stephen Oxley to participate.

(Moved: Administrator R Roscholler/ Administrator I Grant)

Recommendation

That Council resolves to:

- ***endorse Grant Jones as the nominated Chair of Wangaratta Unlimited for a one year period; and***
- ***receive and note the report.***

Carried

12. RECORDS OF ASSEMBLIES OF ADMINISTRATORS

An “Assembly of Councillors” is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision and is either of the following:

- a meeting of an advisory committee where at least one Councillor is present; or
- a planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

At an assembly of Councillors, a written record is kept of:

- a) the names of all Councillors and members of the Council staff attending;
- b) the matters considered;
- c) any conflict of interest disclosures made by a Councillor attending; and
- d) whether a Councillor who has disclosed a conflict of interest leaves the assembly.

The written record of an assembly of Councillors is, as soon as practicable:

- a) reported at an ordinary meeting of the Council; and
- b) incorporated in the Minutes of that Council meeting.

Date	Meeting details	Refer
18-12-2013	Bruck Textiles - Open Space Strategy	Attachment
18-12-2013	Bruck Textiles Ltd	Attachment
16-12-2013	Tidy Towns Victoria	Attachment
14-01-2014	Draft Council Meeting Agenda and Deputations	Attachment
20-01-2014	Strategic Planning Meeting	Attachment
21-01-2014	NAB Cup	Attachment
28-01-2014	Taggart's Lane	Attachment
28-01-2014	Administrators Briefing Forum	Attachment
29/01/2014	Sam Miranda – Tour of King Valley (cycling)	Attachment
29/01/2014	Population and Housing Strategy Briefing	Attachment
29-01-2014	Waldara Golf Club – Rezoning of land for Residential Development	Attachment
3-02-2014	Livestock Selling Complex Briefing	Attachment
4-02-2014	Northern Music Academy	Attachment
4-02-2014	Administrators Planning Meeting	Attachment
4-02-2014	Wangaratta Unlimited Advisory Board (Committee)	Refer item 11.4.1.3
10-02-2014	Location of Mineral Cattle Feed Business	Attachment

Date	Meeting details	Refer
10-02-2014	Dinning's Lane – Fence Construction/ Tree Removal	Attachment
10-02-2014	Meeting with Don Tracey	Attachment
11-02-2014	NHW Smoking on Footpath and Poker Machines	Attachment
11-02-2014	Draft Council and Deputations Meeting	Attachment

(Moved: Administrator A Fox/ Administrator I Grant)

Recommendation

- 1. That Council receive the reports of Assemblies of Councillors, and**
- 2. the items listed below remain confidential in accordance with S.77 of the Local Government Act on the grounds that they relate to one or more of the following matters:**
 - a. Industrial matters;**
 - b. Contractual matters;**
 - c. Proposed developments; and**
 - d. a matter that would prejudice the Council**

Councillor's Briefing Forum dated 28 January 2014:

- 4.2.3.3 Urban Renewal Project – Ovens College Site**
- 4.2.3.4 Structure of Information Flow to Administrators;**
- 4.2.5.2 2013 Community Raffle;**
- 4.2.5.3 Rural City Of Wangaratta Domestic Animal Management (Dam) Plan**
- 4.2.5.4 Tidy Towns Sustainable Communities Award 2013; and**
- 4.2.5.5 Bullawah Project - Public Art Priority.**

Carried

13. NOTICE OF MOTION

Nil

14. URGENT BUSINESS

Nil

15. PUBLIC QUESTION TIME

Public Question Time

10.020.004

Kieran Klemm – Londrigan

Mr Klemm congratulated Mr Brendan McGrath and Ms Ruth Kneebone on their appointments to the Chief Executive Officer and Director Corporate Services roles respectively. He went on to thank Mr Adrian Gasperoni, Acting Director Infrastructure, for the site meeting at the intersection of Eldorado Road and the Carraragarmungee Estate Road and hoped there would be a resolution to the issue soon.

Brian Fox – Wangaratta

Mr Fox commented on the increased patronage to the outdoor swimming pools on the free entry days held recently and enquired if Council had any intention of making this an ongoing practice for extreme heat days.

Mrs Ailsa Fox, Administrator Chair, responded that figures were still to be received for the free entry days but the Aquatic Strategy, which will include a review of all pool usage in Wangaratta, is in process.

Ms Cheryl Impink, Acting Director Community Wellbeing, added that there would be extensive community consultation regarding the Aquatic Strategy and the pools would also be included in a Heat Policy review.

Mr John Griffiths – Whorouly

Mr Griffiths referred to his question at the January 2014 Council Meeting regarding pedestrian crossings in the Central Business District and enquired what progress had been made with VicRoads.

Mr Adrian Gasperoni, Acting Director Infrastructure Services, responded that VicRoads had been contacted again and a meeting had been scheduled for early March 2014 to discuss the issue.

Mr Ken Clarke – Wangaratta

Mr Clarke referred to his question at the January 2014 Council Meeting regarding the ongoing costs of lighting at the Ovens Riverside Precinct and asked when he might expect some details.

Mr Adrian Gasperoni, Acting Director Infrastructure Services, advised Mr Clarke that the figures would be available as soon as the electrical contractor returned from leave.

Jim Lewis – Wangaratta

Mr Lewis referred to item 11.2.3.1 – Community Grants – Major and enquired if Council would consider allocation of the grants on a priority basis rather than the current practice of equality between rural and urban areas.

Ms Cheryl Impink, Acting Director Community Wellbeing, replied that the issue would be reconsidered.

Mr John Griffiths – Whorouly

Mr Griffiths enquired about the status of the Green Waste Program in Wangaratta.

Mrs Ailsa Fox, Administrator Chair, responded that the program had been discussed that afternoon and would be going to tender in the near future.

Mr Jim Lewis – Wangaratta

Mr Lewis referred to item 11.2.1.1 – Directorate Reports and commended Council on the succinct form of the reports and asked if Council could ensure these reports do not overlap with the Council Plan.

Mrs Ailsa Fox, Administrator Chair, replied that the reports were very well received but would take it under advisement as to the content and length of the reports.

16. CONFIDENTIAL BUSINESS

Nil

17. CLOSURE OF MEETING

The meeting closed at 6:55pm.