

# WANGARATTA RURAL CITY COUNCIL



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 MARCH 2014** COMMENCING AT 6.00PM

Brendan McGrath  
**CHIEF EXECUTIVE OFFICER**

As at 25/03/14 4:56 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. DECISION MAKING IN THE COMMUNITY INTEREST

Administrators hereby agree to a standing agenda item at the start of each Council meeting that declares that all Administrators:

- Understand and acknowledge their obligations under section 63 of the *Local Government Act 1989* (the Oath of Office provision); and
- Will conduct the meeting in accordance with the Code of Conduct.

## 4. 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 Alan Clark, Director Infrastructure Services; Ms Jaime Carroll, Director Community Wellbeing; Ms Shivaun Brown, Acting Executive Manager Economic Development; Ms Victoria Mallinder, Senior Strategic Planner

## 5. ABSENT

Nil

## 6. ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE

Nil.

## **ORDER OF BUSINESS**

### **7. CITIZENSHIP CEREMONY**

No Australian Citizenship ceremony was held.

### **8. CONFIRMATION OF MINUTES**

*(Moved: Administrator R Roscholler/ Administrator I Grant)*

#### **Recommendation**

*That Council read and confirm the Minutes of the Ordinary Meeting of 18 February 2014 as a true and accurate record of the proceedings of the meeting.*

**Carried**

### **9. 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.**

### **10. RECEPTION OF PETITIONS**

Nil.

### **11. HEARING OF DEPUTATIONS**

Nil.

### **12. PRESENTATION OF REPORTS**

#### **12.1 ADMINISTRATORS' REPORTS**

Nil.

## **12.2 OFFICER'S REPORTS**

### **12.2.1.1 PUBLIC QUESTION TIME AT COUNCIL MEETINGS**

Author: Ruth Kneebone, Director Corporate Services  
Public Question Time 10.020.004

#### **Introduction**

This report proposes a change in the timing of public question time to allow questions from the public, relevant to officer reports, to be heard immediately prior to Council's consideration of that report.

#### **Background**

The Minister for Local Government has appointed three administrators to be the Council of the Wangaratta Rural City Council. A Local Law governing the conduct of meeting procedures has been proposed for use by Administrators and will be considered at a later item in this meeting.

#### **Issues**

The hearing of questions pertaining to a report will provide for public input to Council decision making and improve the dialogue between Council and the public attending Council meetings.

#### **Implications**

##### **Council Plan Outcomes**

The Council Plan 2013-2017 includes the Governance objective:

"1.1 To provide accessible, open and consultative government".

##### **Sustainability**

The outcomes of this proposal are positive for the sustainability of the local community as the proposal provides for an expansion of Public Question Time which allows the local community to participate in public life.

##### **Community Engagement**

The matter relates to the efficient operation of the Council and will improve community engagement.

#### **Conclusion**

In order to provide timely and relevant discussion on Council reports and to enhance decision making it is recommended that questions related to Council reports will be heard and responded to prior to the consideration of each report.

## **Questions from the Gallery**

### **Mr Jim Lewis – Wangaratta**

Mr Lewis submitted the following:

'I applaud the notion of gallery questions before an item, but for greatest effect the data on which the question is based needs to be readily accessible well beforehand and not just seen for the first time at the meeting.

To increase the opportunity to become conversant with the facts of a report could the following be considered please:

- A list of items on the business paper be published in The Chronicle on the Friday prior to the meeting and again on the Monday. A disclaimer will be understood as items can be cancelled at the last moment.
- The same list be published clearly on the council website from the preceding Friday.
- The link between the printed list and the electronic date be made clear
- A clear location for the whole business paper to be viewed on the website
- A link on the electronic version between the index and a report.'

Mrs Ailsa Fox, Administrator Chair, responded that Mr Lewis' comments had been noted and would be considered. Mrs Fox added that this time was not intended to be used for debate of reports.

***(Moved: Administrator I Grant/ Administrator R Roscholler)***

### **Recommendation**

***That Council resolves to consider questions from members of the gallery prior to dealing with each item of the agenda for a trial period of six months.***

***Carried***



## 12.2.2 EXECUTIVE SERVICES

### 12.2.2.1 REVIEW OF DELEGATIONS

Author: Peter Mangan, Governance Consultant  
Deed of Delegation 50.010.083

#### Introduction

This report presents the schedules of delegations of powers, duties and functions delegated to the Chief Executive Officer and members of Council staff pursuant to section 98(6) of the *Local Government Act 1989* (the Act).

#### Background

Section 98(1) of the Act provides for the Council, by instrument of delegation, to delegate to members of Council staff any power duty or function under the Act or any other Act with some exceptions.

The exemptions are as follows:

- a) this power of delegation; and
- b) the power to declare a rate or charge; and
- c) the power to borrow money; and
- d) the power to approve any expenditure not contained in a budget approved by the Council; and
- e) any power, duty or function of the Council under section 223; and
- f) any prescribed power.

The instruments of delegation take two forms:

- Council to Chief Executive Officer (***refer attachment***); and
- Council to members of staff (***refer attachment***)

It should be noted that Section 98(2) of the Act provides that “*the Chief Executive Officer may by instrument of delegation delegate to members of staff any power duty or function of his or her office*”. The delegations by the Chief Executive Officer are not subject to Council review.

Conditions and limitations apply to the exercise of delegations which provide for appropriate control and the delegate can use his or her judgement to decide not to exercise a delegation.

Section 98(6) of the Act provides that “*A Council must review within the period of 12 months after a general election all delegations which are in force and have been made by the Council under subsection (1).*”

It is timely that the Council now conduct the required reviewed as the Schedules presented contain changes necessary due to the new management structure.

## **Issues**

Delegation of powers duties and function to the most appropriate level of the organisation contribute to the efficient and effective day to day operation of the Council and its delivery of services to its citizens in a timely manner. The Council should conduct its review with this in mind.

## **Implications**

### **Council Plan Outcomes**

The Council Plan 2013-2017 includes the Governance objective:

“1.1 To provide accessible, open and consultative government”.

### **Policies**

There are no policies related to this matter.

### **Sustainability**

The outcomes are positive for the sustainability of:

- Local Community; and
- Council’s Workplace

### **Community Engagement**

The matter relates to the efficient operation of the Council and does not require community engagement.

## **Conclusion**

Having considered this report and the associated schedules of delegation it is appropriate that the Council formalise the delegations:

## **Questions from the Gallery**

Mr Gary Nevin – Bobinawarra

Mr Nevin queried why the Chief Executive Officers’ financial delegation had increased from \$200,000 to \$500,000.

Mr Brendan McGrath, Chief Executive Officer replied that \$500,000 was a more appropriate figure as Council’s large contracts have grown over time and to ensure business is transacted in an efficient and timely manner.

*(Moved: Administrator A Fox/ Administrator R Roscholler)*

**Recommendation 1 (Chief Executive Officer)**

***That in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of delegation, Wangaratta Rural City Council (Council) resolves that:***

- 1. there be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument;***
- 2. the Common Seal be affixed to the Instrument of Delegation;***
- 3. the instrument comes into force immediately the common seal of Council is affixed to the instrument;***
- 4. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked;***
- 5. The duties and functions set out in the instrument must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt; and***
- 6. It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.***

***Carried***

*(Moved: Administrator A Fox/ Administrator I Grant)*

**Recommendation 2 (Members of Council Staff)**

***That in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of delegation, Wangaratta Rural City Council (Council) resolves that:***

- 1. there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;***
- 2. the Common Seal be affixed to the Instrument of Delegation;***

3. ***the instrument comes into force immediately the common seal of Council is affixed to the instrument;***
4. ***on the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked; and***
5. ***the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

***Carried***

### **Communication**

Copies of the Instruments of Delegation will be placed on Council's website and be available for inspection at the Wangaratta Government Centre.

## 12.2.2.2 LOCAL LAW NO. 3 of 2014 – MEETING PROCEDURE LOCAL LAW (ADMINISTRATORS)

Author:

Peter Mangan, Governance Consultant

Local Laws and Regulations

58.020.001

### **Introduction**

The purpose of this report is for Council to initiate the making of a new local law - *Local Law No. 3 of 2014 –Meeting Procedure Local Law (Administrators)* (**refer attachment**).

At the next Ordinary Council meeting a Code of Conduct for Councillors will be considered.

### **Background**

The Minister for Local Government has appointed three administrators to be the Council of the Wangaratta Rural City Council. As the manner by which administrators deal with reports on the agenda for Ordinary and Special meetings is different to that of Councillors it is appropriate that there be a Meeting Procedure Local Law specifically for the period of the appointment of administrators. It is therefore proposed that a much simpler meeting procedure local law be adopted.

### **Issues**

The making of the new Local Law has been undertaken in accordance with Section 119 of the *Local Government 1989* (the Act), Council's lawyers have been consulted regarding the content to ensure it is legally sound and effective.

In accordance with State legislation all local laws are required to be reviewed to assess any impacts on National Competition Policy and the principles under the Human Rights Charter. The new Local Law is considered to be compatible with the Charter of Human Rights and Responsibilities, given the limitations are reasonable. The limitations strike the correct balance by providing a person with the right to take part in public life and serving the interests of the local community.

A report on the Human Rights Impacts of this Local Law is attached (**refer attachment**).

The introduction of this Local Law imposes no restrictions on competition and therefore complies with National Competition Principles. A report on the competition aspects proposed by this Local Law is attached (**refer attachment**).

### **Implications**

#### **Council Plan Outcomes**

The Council Plan 2013-2017 includes a Governance objective:  
"1.1 To provide accessible, open and consultative government".

**Policies**

There are no policy implications relating to this matter.

**Sustainability**

The outcomes of the new local law are positive for the sustainability of the local community as the local law provides for Public Question Time which allows the local community to participate in public life.

The outcomes of the new local law are neutral for the sustainability of the local economy, local environment and Council's financial position. However, there is a cost associated within the necessary advertising of the proposal and its adoption.

**Community Engagement**

It is intended to commence the statutory procedures in relation to Council's intention to make a local law on 26 March 2014 through advertising in The Chronicle, the Victoria Government Gazette and Council's website. A summary of the consultation plan is shown below:

18 March 2014	Council resolves to give notice of its intention to make Local Law No. 3 of 2014 –Meeting Procedure Local Law
26 March 2014	Advertise Council's intention to make a Local Law in The Chronicle, Victoria Government Gazette and Council's website.
25 April 2014	Submissions received in accordance with Section 223 of the Act close at 5.00pm (30 days).
6 May 2014	Special Committee of Council to hear submissions received in relation to the proposed Local Law.
20 May 2014	Council's consideration of submissions and adoption of the Local Law No. 3 of 2014 – Meeting procedure Local Law at the May 2014 Ordinary Council Meeting.

**Conclusion**

In order to promote good governance procedures, it is proposed to commence the statutory procedures to make a new Local Law.

**Questions from the Gallery**

Nil.

***(Moved: Administrator R Roscholler/ Administrator I Grant)***

**Recommendation**

***That Council resolves to:***

- 1. commence the statutory procedures for the making of a Local Law known as Local Law No. 3 of 2014 –Meeting Procedure Local Law (Administrators) and endorses the draft Local Law No. 3 of 2014 – Meeting Procedure Local Law (Administrators) as attached to the report for public exhibition and submissions in accordance with Section 119 of the Local Government Act 1989 (the Act);***
- 2. give public notice of the proposed Local Law and invites public submission in accordance with Section 223 of the Act:***
- 3. establish a Special Committee of Council in accordance with Section 223 of the Act, consisting of all Administrators with a quorum being 2 Administrators, to hear submissions in relation to the proposed Local Law on 6 May 2014 at 5.30pm in the Council Chambers at the Wangaratta Government Centre; and***
- 4. authorise the Chief Executive Officer to make minor editorial changes prior to the commencement of the exhibition period.***

***Carried***

**Communication**

The advertising in The Chronicle, the Victoria Government Gazette and Council's website will communicate Council's intention to make this local law and invite submissions pursuant to Section 223 of the Act.

### 12.2.2.3 ADMINISTRATORS' CODE OF CONDUCT

Author: Peter Mangan, Governance Consultant  
Councillor Code of Conduct 96.005.004

#### **Introduction**

The report introduces a draft Administrators' Code of Conduct (***refer attachment***) and recommends adoption by Council.

At the next Ordinary meeting of Council, a Code of Conduct for Councillors will be considered by.

#### **Background**

In accordance with section 6 of the *Local Government (Rural City of Wangaratta) Act 2013*, the Governor in Council, on recommendation of the Minister for Local Government has appointed a Panel of Administrators to be the Council.

With the appointment of Administrators it is appropriate that there be an Administrators' Code of Conduct specifically for the Administrators, notwithstanding the existence of the Councillor Code of Conduct.

#### **Issues**

Council must consider the merit of the Code as presented and determine to adopt the Code with or without amendment.

#### **Implications**

##### **Council Plan Outcomes**

The Council Plan 2013-2017 includes a Governance objective:  
"1.1 To provide accessible, open and consultative government".

##### **Policies**

The following policies are cited in the Code:

- Register of Interests Returns Policy
- Gifts, Benefits and Hospitality Policy
- Smart Device Usage Policy
- Administrator Expense Reimbursement Policy (approved at Council's February 2014 Ordinary meeting)



### Sustainability

The outcomes are positive for the sustainability of:

- Council's Workplace; and
- Good governance.

### Community Engagement

The Administrators' Code of Conduct affects Administrators and staff. No community engagement has been undertaken.

### Conclusion

The Administrators' Code of Conduct provides for good governance and sets out the agreed standards for conduct.

### Questions from the Gallery

Nil.

*(Moved: Administrator A Fox/ Administrator I Grant)*

### Recommendation

*That Council resolves to adopt the Administrators' Code of Conduct.*

***Carried***

### Communication

A copy of the Administrators' Code of Conduct will be available for inspection by the public at the Wangaratta Government Centre and also on Council's website.

#### 12.2.2.4 CHIEF EXECUTIVE OFFICER – INSTRUMENT OF APPOINTMENT AND AUTHORISATION

Author: Heather O'Brien, Executive Assistant Corporate Services

Deed of Delegation 50.010.003

##### **Introduction**

This report presents to Council an Instrument of Appointment and Authorisation for Brendan McGrath, Chief Executive Officer, as a Section 224 *Local Government Act 1989* Authorised Officer and also advises to revoke the Appointment and Authorisation of the former Chief Executive Officer, Doug Sharp.

##### **Background**

To enable the effective functioning of local government operations, the Council has earlier delegated various powers to the Chief Executive Officer.

The necessary authorities (subject to relevant limitations and reporting requirements) are contained in a consolidated Instrument of Delegation which empowers the Chief Executive Officer (subject to limitations) to sub-delegate certain powers to Council officers (other than the power of delegation).

In addition, the Chief Executive Officer must now be appointed as an authorised officer of the Council pursuant to Section 224 of the *Local Government Act 1989* (the Act).

An Authorised Officer of the Council has powers under various Acts to undertake specific responsibilities conferred by the legislation. The basic distinction between a delegation and an authorisation is that a delegate acts on behalf of the Council exercising the Council's powers, while an authorised officer has the powers of the appointment.

##### **Issues**

Following the appointment of Mr Brendan McGrath as Chief Executive Officer of the Rural City of Wangaratta, the Instrument of Appointment and Authorisation to Mr McGrath as an authorised officer pursuant to Section 224 of the Act requires specific appointment by Council.

##### **Implications**

###### **Council Plan Objectives**

The Council Plan 2013-2017 includes a Governance objective:

“1.1 To provide accessible, open and consultative government”.

### **Conclusion**

It is appropriate to appoint the Chief Executive Officer as an Authorised Officer under Section 224 of the Act.

### **Questions from the Gallery**

Nil.

*(Moved: Administrator R Roscholler/ Administrator I Grant)*

### **Recommendation**

***That in exercise of the powers conferred by Section 224 of the Local Government Act 1989 (“the Act”) and the other legislation referred to in the attached Instrument of Appointment and Authorisation (“the Instrument”) the Wangaratta Rural City Council (“Council”) resolves that:***

- 1. Mr Brendan James McGrath referred to in the Instrument as the Chief Executive Officer of the Council, be appointed and authorised as set out in the Instrument;***
- 2. The Instrument be signed and sealed by the Council at the appropriate stage of the meeting;***
- 3. The Instrument comes into force immediately the common seal of Council is affixed to the Instrument, and remains in force until Council determines to vary or revoke it; and***
- 4. The Appointment and Authorisation of the former Chief Executive Officer, Doug Sharp, be revoked.***

**Carried**

### **Communication**

The authorisation of the Instrument of Appointment and Authorisation will be conveyed to Mr McGrath.

## 12.2.3 CORPORATE SERVICES

### 12.2.3.1 GIFTS, BENEFITS & HOSPITALITY POLICY AND REGISTER OF INTERESTS RETURNS POLICY

Author: Tony Raven, Manager Business Planning and Systems  
Council Policy Review 10.005.003

#### Introduction

This report recommends the adoption by Council of two recently reviewed and amended policies; the Gifts, Benefits and Hospitality Policy and the Register of Interests Returns Policy.

#### Background

Council is required by the *Local Government Act 1989* (the Act) to endeavour to achieve the best outcomes for the local community having regard to the need for transparency and accountability in Council decision making. In line with this requirement, Council maintains a number of policies to provide guidance for staff and administrators in the conduct of Council business. These are reviewed from time to time.

A review has been recently conducted of the Gifts, Benefits and Hospitality Policy and the Register of Interests Returns Policy. Council's experience with the application of these policies together with a comparison with the requirements of the Act and associated guidelines and benchmarking with other local government authorities has provided the foundation for the review. Internal consultation involved discussions with the Corporate Management Team, Manager Projects & Contracts and the Governance and Property Officer.

#### Issues

The review has identified improvements in both policies which have been incorporated in the amended versions (***refer attachments***). The changes will provide improved guidance for administrators and staff in relation to gifts and interests as well as better transparency for these components of Council's integrity regime. Improved compliance with the Act will also result.

#### Implications

##### Council Plan Outcomes

The recommendations are consistent with the requirements of the Act by enhancing transparency and accountability in Council decision making. As a consequence, it supports achievement of the Council Plan objective of ensuring business operations are compliant.

**Conclusion**

As a consequence of the above, it is recommended that Council adopts the two amended policies.

**Questions from the Gallery**

Nil.

*(Moved: Administrator A Fox/Administrator R Roscholler)*

**Recommendation**

*That Council resolves to adopt the following policies as amended:*

- 1. Gifts, Benefits and Hospitality Policy; and*
- 2. Register of Interests Returns Policy.*

***Carried***

**Communication**

The policies will be made available to the public via Council's website.

## **12.2.4 COMMUNITY WELLBEING**

### **12.2.4.1 SPECIAL COMMITTEES OF COUNCIL – COMMITTEE MEMBERSHIP APPOINTMENTS**

Author:

Leonie Painter, Manager Community and Recreation

Council Committees

10.020.008

#### **Introduction**

Further to report 11.2.3.1 – Special Committees of Council – Committee Membership Appointments presented at Council's 16 July 2013 ordinary meeting, a number of further committee nominations has been received. This report is to seek Council's endorsement of five nominations for 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 three nominations to the Whorouly Memorial Park Special Committee and one nomination to the Whorouly Public Hall Special Committee outside the advertised appointment time frames.

Council has received a nomination to the Wangaratta Showgrounds Special Committee following the resignation of A Carson, representative for the Murray Bushrangers Football Club.

#### **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 Committees 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. Promotion of the facility by the Committee facilitates increased community use.

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 these committee nominations, five additional recommendations are proposed. Further community and user group nominations received following this process will be addressed in a future council report.

### Questions from the Gallery

Dr Julian Fidge – Docker

Dr Fidge advised the department has issued guidelines for applying to these positions, and asked whether Council had considered these guidelines to simplify this process.

Ms Penny Hargrave, WPAC Manager (formerly Acting Director Community Wellbeing), responded that Council has undertaken a review of its application forms for Council committees. The forms now require name, address, area of interest and if applying on behalf of a user group, whether the applicant has permission from that group.

***(Moved: Administrator I Grant/ Administrator R Roscholler/)***

**Recommendation**

***That Council resolves to appoint:***

- 1. Luisa Cunneen, Eleisha Kneebone and James Neary as members of the Whorouly Memorial Park Special Committee for a period of three years from 18 March 2014 to 31 July 2016;***
- 2. Tina Ivone as a member of the Whorouly Public Hall Special Committee for a period of three years from 18 March 2014 to 31 July 2016; and***
- 3. Lee Fraser as a member of the Wangaratta Showgrounds Special Committee from 18 March 2014 to 31 July 2016***

***Carried***

**Communication**

The nominees will be notified of the outcome of the appointment process.

The Section 86 Special Committees will be notified of Council's decision.

Newly appointed member will receive information regarding the responsibilities related to being a Section 86 Special Committee Member.



#### 12.2.4.2 RURAL CITY OF WANGARATTA DOMESTIC ANIMAL MANAGEMENT PLAN (DAM Plan)

Author: Diahann Newell, Manager Community Health and Amenity  
Animals – Administration/Operation 58.040.001

### **Introduction**

This report outlines the requirements of the 2012-2016 Domestic Animal Management Plan (DAM Plan) (***refer attachment***) and seeks endorsement for the plan to be placed on Public Display.

### **Background**

Recent amendments to the *Domestic Animal Act 1994* (the Act) require that all municipalities develop a Dam Plan (for the period 2012 to 2016).

In accordance with the Act, the DAM Plan has a prescribed format and each section of the DAM Plan must reference the relevant legislation.

The purpose of the plan is twofold:

- To promote responsible pet ownership; and
- To monitor domestic animal businesses.

The intent of this plan is to provide a platform for delivering balanced animal management practices with a focus on service delivery, education and enforcement of legislative requirements.

### **Issues**

Under the Act all Victorian councils must, in consultation with the Secretary of the Department of Environment and Primary Industries (DEPI), prepare a Dam Plan. Council has a legal obligation under the Act to produce the DAM Plan every four years.

The expiration date of Council's existing plan was extended by DEPI in 2013 while a new template/plan structure was developed for use by all municipalities. As a result, the attached draft plan has been developed for three years (2013-2016) rather than four. A 2016 expiration of the proposed plan will bring the expiration date back into the expected four year review cycle.

### **Implications**

The DAM Plan seeks to provide education on responsible pet ownership, which includes the management of menacing, declared and nuisance dogs. By providing a framework for identifying these issues it is expected that risk to community, animals and environment can be actively managed and reduced.

While it is not a statutory requirement to seek community feedback on the DAM Plan, given that the plan impacts the community, it is recommended that the draft DAM Plan be put on public display for comment. Following this period of public display/comment, a final report will be provided to Council for endorsement and a copy of the plan provided to the Secretary in accordance with Section 68A (3) of the Act.

The attached draft plan reflects a 2013 commencement date as a number of activities were commenced or completed in this time that need to be reflected in the new plan.

#### Policies

There are no defined Council policies that relate to domestic animal management however it is a mandatory requirement under the Act that all Victoria Councils prepare a plan.

#### Sustainability

The implications are positive for sustainability as the social impacts of domestic animal care are well documented.

#### Community Engagement

The plan sets out clear expectations for service levels around the management of domestic animals within local government areas.

While it is not a statutory requirement to seek community feedback on the DAM Plan, given that the plan impacts the community, it is recommended that the draft DAM Plan be put on public display for comment.

#### Conclusion

The Draft Rural City of Wangaratta Dam Plan provides clear guidelines on service expectations on how to manage animals within the municipality. By providing a framework for identifying these issues it is expected that risk to community, animals and environment can be actively managed and reduced.

#### Questions from the Gallery

Nil.

*(Moved: Administrator A Fox/ Administrator R Roscholler)*

#### Recommendation

***That Council resolves to place the Draft Rural City of Wangaratta Domestic Animal Management Plan 2013 – 2016 on public exhibition for a period of 28 days.***

***Carried***

#### Communication

Copies of the Draft Rural City of Wangaratta Domestic Animal Management Plan will be made available to the public at Council's office and via Council's website.

### 12.2.4.3 COMMUNITY PLANNING UPDATE

Author: Leonie Painter, Manager Community and Recreation  
Community Planning 60.010.003

#### **Introduction**

The purpose of this report is to present the Peechelba Community Plan to inform Council of the priority needs and aspirations identified by the Peechelba community that will enhance the future liveability of their rural communities (***refer attachment***).

#### **Background**

A community plan talks about the key issues facing a community and recommends strategies that Council and/or agencies could implement to address those identified needs.

Twenty three rural communities have participated in Council's community planning program and are involved at various stages of the process. Nine communities have or are currently involved in a review process.

#### **Issues**

In order to achieve the aims of the program it is important to ensure that the plans are owned by the community and not seen as a Council owned plan.

The plans are utilised and acted upon by a range of agencies but most importantly are documents the communities rely upon for determining what the 'whole of community' want to achieve.

In order for community planning to be successful it is important for the community to be empowered to be part of decision making and determine the directions for their community.

The Rural City of Wangaratta has been moving towards a greater level of community engagement through a range of activities including support of local area planning initiatives in some rural communities. Emphasis on community building and the development of local partnerships is a key component of many State and Federal Government funding programs.

#### **Implications**

##### **Council Plan Outcomes**

Strategic Activity: 1.1.1 Engage the community in decision making for the development of the Rural City of Wangaratta; and

Strategic Activity 2.1.1 Support our community to be resilient.

### Policies

The implementation of Councils' Community Engagement Policy.

### Sustainability

Through community planning, groups have formed to progress their plan as a collective voice. The positive outcomes of developing a community plan has also led to community champions with like-minded projects being able to connect and bridge their relationship across the municipality by sharing information, resources and experiences.

### Community Engagement

The Peechelba Community Plan presented to Council has engaged participants through email, phone calls, small gatherings, town meetings, and workshops to inform, involve and empower.

### Conclusion

The Peechelba Community Plan is provided to inform Council of the priority needs and aspirations identified by the Peechelba community that will enhance the future liveability of their rural communities.

### Questions from the Gallery

Nil.

*(Moved: Administrator I Grant/ Administrator R Roscholler)*

### Recommendation

***That Council resolves to:***

- 1. endorse the Peechelba Community Plan as presented to Council;***
- 2. note that this is a community plan which is endorsed by Council; and***
- 3. acknowledge that Council is one of a number of stakeholders who have a role in actioning the Peechelba Community Plan.***

***Carried***

### Communication

The Peechelba Community will be advised of Council's decision.

#### 12.2.4.4 DRAFT RURAL CITY OF WANGARATTA LOCAL LAW NO. 1 (COMMUNITY AMENITY)

Author: Diahann Newell, Manager Community Health and Amenity

Local Laws

58.020.001

### **Introduction**

This report presents the outcome of the review of the Rural City of Wangaratta's (RCoW) "Local Law No.1 (Community Amenity)" for endorsement by Council, and seeks Council's approval to commence the statutory process as specified in Section 119 of the *Local Government Act 1989* (The Act) relating to the making of a Local Law, which includes placing the new draft local law on public exhibition under the provisions of Section 223 of the Act.

### **Background**

In February 2010, the State Government introduced new guidelines and requirements that Councils are required to follow when they are reviewing and introducing a new local law.

These guidelines, which are found in Local Government Victoria's "Guidelines for Local Laws Manual", (the guidelines) are now regarded as being best practice for the creation and enforcement of Local Laws, and it is Local Government Victoria's expectation that Council's will review and create their Local Laws in line with the guidelines.

Key aspects of the guidelines can be summarised as follows:

- The key aim is to improve transparency, accessibility, consistency, efficiency, accountability and enforceability of Local Laws;
- Councils need to consider whether there is a possible alternative to creating a Local Law that better suits the needs of the community, as regulation should be viewed as being the last resort used in preventing a mischief, because it imposes burdens of compliance on the community and enforcement on the Council;
- Local laws should incorporate relevant Council policies;
- Councils must produce a Local Law Community Impact Statement for all new or materially altered Local Laws, which amongst other things need to be able to demonstrate a real need for a particular Local Law; and
- Overlap, duplication of, or inconsistency or conflict with, existing legislation or local planning schemes must be avoided.

The current Local Law No. 1 will be repealed when the draft Local Law is introduced.

The review of Council's "Local Law No. 1 (Community Amenity)" was undertaken as a key outcome of the 2009-2013 Council Plan. The review does not include Council's Local Law No. 2 (Meeting Procedures) which is being evaluated separately.

Internal and external user groups were consulted as part of the review through the formation of a Local Laws Focus Group (LLFG) consisting of general community members plus community representatives from Wangaratta Unlimited, the Agriculture and Agribusiness Advisory Committee, the Dog Obedience Club, the Country Fire Authority and the Wangaratta Access & Inclusion Group.

The outcomes of the LLFG consultation process has helped shape the development of the draft Rural City of Wangaratta "Local Law No.1 (Community Amenity)" (**refer attachment**) and the draft "Community Amenity Local Law No. 1 - Local Laws Policies" (**refer attachment**) which will be an incorporated document of the Local Law once it has been gazetted.

### **Issues**

Section 119 of the Act requires that a council must place the draft Local Law on public exhibition for at least 28 days and invite written submissions from those people who may be affected by the making of the Local Law. Provision must also be made for those people, who as part of their written submission, indicate they wish to be heard by Council in support of their submission.

Extensive advertising of this process inviting public input and comment into the draft Local Law will be conducted throughout the exhibition period via newspaper advertisements and online via Council's website.

### **Implications**

A number of substantive changes to the draft Local Law and its "Community Amenity Local Law No. 1 - Local Laws Policies" have been made as a result of the consultation process. The details of the changes form part of the attached Community Impact Statement (**refer attachment**).

Those changes include:-

- introducing the ability for Council to designate an area as being "smoke free";
- introduction of a permit requirement for conducting exercise classes in public parks;
- introduction of provisions for managing vehicles advertised for sale on roadsides;
- updated provisions regarding the management of unsightly land;
- the application of an "exclusion zone" for itinerant trading permits;
- the introduction of a "cat at large" infringement;
- inclusion of the requirement that all dogs must be on leash in public areas within the municipality; and
- clear guidelines for residents regarding the number of animals allowed on a property.

### Council Plan Outcomes

A review of Council's "Local Law No. 1 (Community Amenity)" is an outstanding action in the 2009-2013 Council Plan.

### Policies

The "Community Amenity Local Law No. 1 - Local Laws Policies" is a key companion document to the Community Amenity Local Law.

### Community Engagement

Internal and external user groups were consulted as part of the review through the formation of a Local Laws Focus Group (LLFG) comprising general community members plus community representatives from Wangaratta Unlimited, the Agriculture and Agribusiness Advisory Committee, the Dog Obedience Club, the Country Fire Authority and the Wangaratta Access & Inclusion Group.

A facilitated workshop was conducted in which the group provided ideas and feedback regarding the existing Local Law as well as providing suggestions for improvement. The draft Local Law was then updated to reflect LLFG feedback and the updated draft distributed for subsequent review by the group. The attached draft Local Law reflects the feedback from this second review.

### Conclusion

Council must have a Local Law; otherwise all of the controls and powers used by Council to protect Council's assets, or control activities on Council land via the issuance of permits would be lost. Council's ability to protect the community's amenity via noise restriction controls of building works, or its ability to have the Police enforce its alcohol free designated areas would, amongst other things, also cease to exist if no Local Law was in place.

### Questions from the Gallery

Nil.

*(Moved: Administrator R Roscholler/ Administrator A Fox)*

### Recommendation

***That Council resolves to:***

- 1. approve the commencement of the statutory process as specified in Section 119 of Local Government Act 1989 (the Act) relating to the making of a Local Law.***
- 2. endorse the draft Rural City of Wangaratta "Local Law No.1 (Community Amenity)" for public exhibition and submissions as per the requirements of Section 223 of the Act.***

- 3. give public notice of the exhibition of the draft Rural City of Wangaratta “Local Law No.1 (Community Amenity)” via the Government Gazette and public advertisement, and invite written submissions in relation to the draft Local Law to be received by Council for consideration until the close of business on 25 April 2014;**
- 5. establish a Special Committee of Council in accordance with Section 223 of the Act, consisting of all Administrators with a quorum being 2 Administrators, to hear submissions in relation to the proposed Local Law; and**
- 4. hear verbal submissions from those submitters who state in their written submission that they wish to be heard in support of their submission in relation to the draft Rural City of Wangaratta “Local Law No.1 (Community Amenity)” at its meeting to be conducted on 20 May 2014 at the Wangaratta Government Centre commencing at 5pm in accordance with Section 223 of the Act.**

**Carried**

### **Communication**

Information informing the community that the Draft “Local Law No.1 (Community Amenity)” is on exhibition and that submissions are welcomed, as well as information concerning the public meeting/information session, will be advertised in the local press, on Council’s website and circulated by e-mail/letter to those groups and organisations, such as trader groups and the Victoria Police, that may be interested in the process.



#### 12.2.4.1 ARTS CULTURE AND HERITAGE ADVISORY COMMITTEE RECOMMENDATION REPORT – WANGARATTA ART GALLERY UPGRADE PROJECT

Cultural/Arts Issues

67.010.006

### **Introduction**

At its meeting held on 2 December 2013 the Arts Culture and Heritage Advisory Committee (ACHAC) provided a recommendation in support of the Wangaratta Art Gallery (WAG) Upgrade Project and Business Case.

### **Background**

ACHAC reviewed the recently completed WAG Upgrade Project Business Case document (*refer attachment*) supporting its content as defining a positive progression for the WAG as a Regional Art Gallery.

The upgrade will allow WAG to:

- align with other state-of-the-art Victorian regional cities and other regional and public art galleries;
- meet industry standards;
- provide improved access; and
- enhance services to the community and visitors.

### **Issues**

The project is listed in the current Council Plan as item 2.4.1.5 and states:

*“Explore funding opportunities for a capital works upgrade project for Wangaratta Art Gallery to ensure it meets state-wide industry standards and aligns with state-of-the-art regional and public art galleries. (Target project delivery FY 2016 subject to funding availability)”.*

Following a design brief developed by Council staff in 2010 an architect’s concept plan was developed by Phillip Harmer Architecture who presented the design to Council in July 2011.

The concept plan includes elements that meet appropriate industry and building standards and access issues.

Following the architect’s presentation a business case for the project was undertaken by the Gallery Director.

### **Implications**

ACHAC recognises that for the WAG to progress the gallery’s current and innovative programming, to continue to provide a popular community service and tourism attraction, to align with other facilities in the Arts Precinct, and to maintain a high level of industry standard, the current facility requires significant

refurbishment and upgrading. The recommendation in this report supports the Business Case outlining these needs.

The Gallery Upgrade Project Business Case outlines possible funding options for the project with approximately 2/3 (currently \$2,518,080) proposed to be provided by the Victorian State Government through Arts Victoria, and 1/3 (currently \$1,609,920) proposed to be provided by Council. The breakdown of Council funding being:

- Council - approximately \$1.2M; and
- the remainder of approximately \$0.4M to be sought through fundraising via a WAG Foundation that is currently being researched. It should be noted that WAG holds Tax Deductible Gift Recipient Status with the Australian Taxation Office.

### **Conclusion**

The Arts, Culture and Heritage Advisory Committee have reviewed the Business Case for the WAG Upgrade Project and after extensive discussion on the elements of the project put forward the following recommendation for Council's discussion and/or information.

*“That the Arts, Culture and Heritage Advisory Committee strongly support the Wangaratta Art Gallery Facility Upgrade Business Case as it:*

- *links to the 2030 Community Vision;*
- *adds to local and regional tourism and liveability of the Rural City of Wangaratta; builds community pride;*
- *enhances the Arts Precinct; and*
- *will, when complete, align with other high quality Regional Galleries located in other cities who belong to the Regional Cities Group.”*

### **Questions from the Gallery**

Nil.

***(Moved: Administrator I Grant/ Administrator A Fox)***

### **Recommendation**

***That Council resolves to note the report.***

***Carried***

## 12.2.5 INFRASTRUCTURE SERVICES

### 12.2.5.1 ROAD NAMING PROPOSAL FOR UNNAMED ROAD AT LONDRIGAN

Author:

Sandra Dalton, Secretary Place Naming Committee

Place Naming Committee

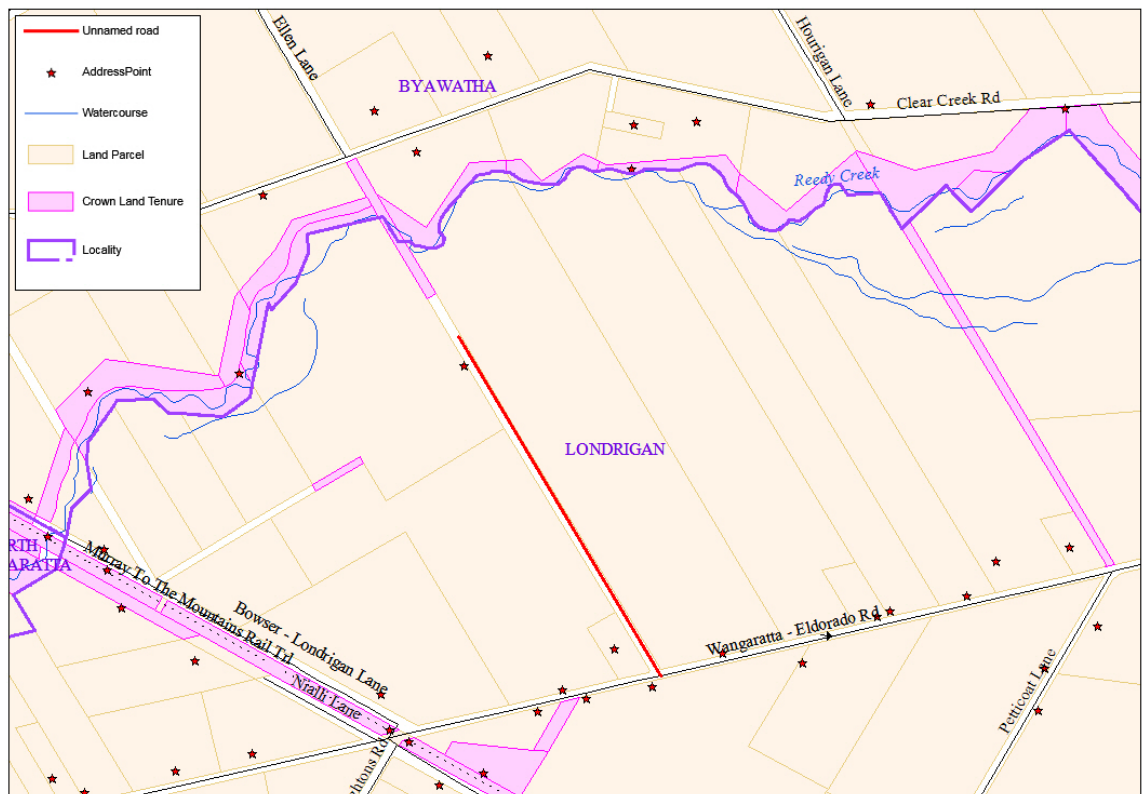
73.040.012

#### Introduction

The unnamed road is in the locality of Londrigan and should be formally named for clear unambiguous property addressing purposes.

#### Background

The subject road is in the locality of Londrigan and heads generally in a North West direction from Wangaratta-Eldorado Road. The road is unnamed in VicMap Transport (the State government spatial database for roads). The property address for the property with formal access via the road is Ellen Lane, Londrigan. The road provides alternate access to properties with frontage to the road. There are no dwellings on the road and no rural addressing has been assigned along the road. The road is not maintained by Council and this will not change by naming the road.



Ellen Lane is not contiguous along the road reserve from Byawatha to Londrigan.

There is no formal access across Reedy Creek within the road reserve. In addition the road reserve south of Clear Creek Rd for approximately 500 metres is licensed to an adjoining land holder for grazing purposes.

A road name is required to clearly and unambiguously address the property with formal access from the unnamed road and to allow for future rural addressing.

### **Issues**

The Place Naming Committee considered names for the unnamed road at two meetings held in 2013 following contact with local families/landowners and investigating old parish plans of the area. Further discussion occurred at the 19 February 2014 meeting of the Committee.

There was a plunge sheep dip constructed just below the slope down to the creek that was used as a community sheep dip during the 1930s and 1940s. Therefore the Committee consider the name “Sheep Dip Lane” to be appropriate for the unnamed road. There are no duplicates of this name in the municipality.

### **Implications**

#### **Council Plan Outcomes**

The proposed naming of the unnamed road fits with the objective in the Council Plan to plan for and provide infrastructure appropriate to the community’s needs.

#### **Policies**

Policy for Naming Roads, Streets and Other Accessways.

### **Conclusion**

Because of historical linkages to a community sheep dip at the location in the 1930s and 1940s, the Committee considers “Sheep Dip Lane” to be an appropriate name for the unnamed road.

### **Questions from the Gallery**

Mr Kieran Klemm – Londrigan

Mr Klemm stated that his land adjoined the unnamed road in Londrigan and asked whether it was a practice of Council to consult with adjoining landowners in these cases.

Mrs Ailsa Fox, Administrator Chair, explained that the Place Naming Committee is a Community Group which advises Council in these matters but Mr Klemm’s comments would be noted.

***(Moved: Administrator I Grant/ Administrator R Roscholler)***

**Recommendation**

***That Council resolves to advertise its intention to name the unnamed road as shown on the location map above as “Sheep Dip Lane”.***

***Carried***

**Communication**

Advertisements will be placed in the Wangaratta Chronicle and on Council’s website seeking comment and feedback will be sought from referral authorities and adjoining landowners.

12.2.5.2 REGIONAL WASTE MANAGEMENT GROUP REPRESENTATIVE

Author: Adrian Gasperoni, Acting Director Infrastructure Services  
 Councillor Issues & Information 10.010.005

**Introduction**

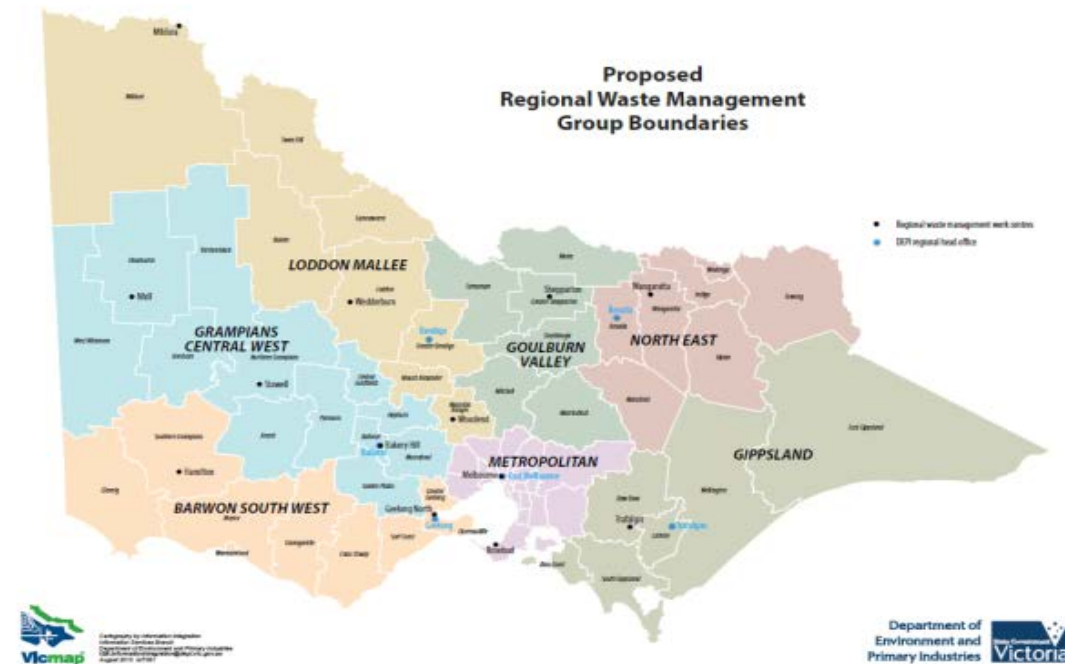
This report details the Victorian Governments reforms to Regional Waste Management Group (RWMG) governance and seeks a representative nomination from Council to the Regional Local Government Waste Forum.

**Background**

The Victorian Government is strengthening governance and institutional arrangements for RWMGs to support the implementation of its policy commitments in waste management and resource recovery. There is currently a Bill before parliament providing necessary legislative amendments for these changes.

**Issues**

From 1 August 2014, the current 12 Regional Waste Management Groups, currently responsible for planning and coordinating the management of municipal solid waste, will be consolidated into six new Waste and Resource Recovery Groups (WRRGs), each with its own region as per the Proposed Regional Waste Management Group Boundaries map below.



The Minister for Environment and Climate Change will shortly be writing to local government mayors outlining the steps required by local government to support the establishment of these new WRRGs.

Each new WRRG will have a Local Government Waste Forum, with one representative from every Council in the region. All local councils are required to nominate one representative to their regional Forum by the 31 March 2014.

The Victorian government is establishing a Local Government waste Forum in each region, to nominate the four local government directors, and be an ongoing conduit for consultation between all local governments and the new WRRGs.

The Local Government Waste Forums have an important statutory role to nominate four of their members to be local government board directors of the new WRRGs. Local Government Waste Forums will have until the end of April 2014 to make nominations.

### **Implications**

#### **Council Plan Outcomes**

Objectives in the Council Plan include:

- To plan for and provide infrastructure appropriate to the community's needs; and
- To ensure that Council's plans and budgets are responsible and sustainable.

#### **Sustainability**

The proposed new Regional waste Management Groups will play important roles in developing the long term future of Waste and Resource Recovery for not only the individual member Councils, but the whole of the region.

#### **Community Engagement**

No Community engagement was undertaken in relation to the requirements of the legislative amendments or nominations for the proposed new RWMG representative.

### **Conclusion**

Given the very short time frames, Council will need to determine their representative to the Local Government Waste Forum by 31 March 2014.

**Questions from the Gallery**

Nil.

*(Moved: Administrator A Fox/ Administrator I Grant)*

**Recommendation**

*That Council resolves to:*

- 1. endorse the appointment of Rodney Roscholler to the North East Waste and Resource Recovery Region Local Government Waste Forum for 2014/2015 as the representative of the Rural City of Wangaratta; and*
- 2. actively seek candidacy for one of the Board of Directors positions.*

*Carried*

**Communication**

Once appointed, the representative will be nominated to the Minister for Environment and Climate Change.



## **12.2.6 DEVELOPMENT SERVICES**

### **12.2.6.1 DRAFT AMENDMENT C50 TO WANGARATTA PLANNING SCHEME – SOUTH WANGARATTA URBAN RENEWAL MASTERPLAN**

Author: Victoria Mallinder, Principal Strategic Planner  
Wangaratta Planning Scheme Amendment C50 25.010.051

#### **Introduction**

This report seeks Council's agreement to adopt draft Amendment C50 with changes and submit the draft Amendment under Section 31 of the *Planning and Environment Act 1987* to the Minister for Planning for approval.

#### **Background**

The South Wangaratta Urban Renewal Strategy was prepared for Council by urban design consultants Aurecon, together with economic analysis by Matters More. This work was jointly funded by Regional Development Victoria and the Rural City of Wangaratta.

The Strategy was exhibited for public comment in 2012 and public submissions were considered by Council at its meeting on the 26 June 2012.

At that meeting Council resolved:

'That the draft South Wangaratta Urban Renewal Strategy (Master Plan), as exhibited, be adopted by Council with the proviso that:

1. should Greyhound Racing Victoria decide that greyhound racing be reintroduced to Avian Park (along with the relevant infrastructure that will not adversely impact on harness racing);
2. in so doing, Greyhound Racing Victoria fully funds the development to the required state standard; and
3. the development is compatible with the proposed Avian Park Sport and Recreation Hub;

then the decision be supported as an integral element of the proposed Avian Park Sport and Recreation Hub.'

The Strategy included concept designs, recommendations for each of the four key sites including 7-10 year financial assessments and a detailed implementation plan.

One component of the implementation plan was for Council to undertake suitable amendments to the Wangaratta Planning Scheme to appropriately rezone land and/or apply relevant overlays for the future development of the four key sites.

## **Current Situation**

Amendment C50 was exhibited for public comment from 12 December 2013 to 21 February 2014. The extended public exhibition period took into account the Christmas/New Year and school holiday period.

Notification in accordance with Section 19(1) of the Planning and Environment Act 1987 (the Act) was also undertaken.

Four submissions were received from the following agencies: VicRoads, Goulburn-Murray Water (G-MW), North East Catchment Management Authority (NECMA) and Environment Protection Authority (EPA) (*refer attachment*).

Section 22(1) of the Act requires Council to consider all submissions made to an amendment. No action is required by Council to address submissions from the EPA and NECMA as they make no objection to the amendment and do not request any changes.

Submissions from VicRoads and G-MW both request minor additions to the amendment documentation. Negotiations were undertaken to address VicRoad's request for bulky goods development at the Newman Street site to adequately address traffic impacts on the Tone Road – Newman Street intersection. In response to this request, an additional requirement for any proposal will be a Traffic Impact Assessment Report (TIAR) under the provisions of the new Local Planning Policy - Clause 22.02-2 *South Wangaratta Urban Renewal Area*. VicRoads has advised this response adequately addresses its submission.

In order to avoid a series of minor TIARs being undertaken in the vicinity of the Tone Road - Newman Street intersection, it is recommended that Council consider preparing an overarching TIAR for this precinct with the aim of apportioning development contributions to sites as they are developed. This approach is supported by VicRoads and warrants further investigation, outside the parameters of this amendment.

Negotiations also occurred with G-MW. An additional requirement for a stormwater management plan was added to the development plan requirements for the South Wangaratta Civic Precinct (Schedule 3 to the Development Plan Overlay). G-MW advised that this response adequately addresses its submission.

Planning Panels Victoria was notified on 26 February 2014 that a Panel Hearing was not considered necessary for the Draft Amendment.

## **Implications**

### **Council Plan Outcomes**

The preparation of a Strategy for four key sites as part of the South Wangaratta Urban Renewal Project is identified as a major project in Council's Plan. The Strategy is identified under Section 5.1 of Council's Plan aiming to further enhance the liveability attributes of the Rural City of Wangaratta.

### Sustainability

The outcomes of the draft amendment are very positive for the sustainability of:

- Local Economy
- Local Environment
- Local Community

### Community Engagement

Council has complied with notification requirements under the Planning and Environment Act 1987.

### Questions from the Gallery

Nil.

*(Moved: Administrator R Roscholler/ Administrator I Grant)*

### Recommendation

***That Council resolves to:***

- 1. adopt draft Amendment C50 South Wangaratta Urban Renewal Area with changes under Section 29 of the Planning and Environment Act 1987;***
- 2. submit draft Amendment C50 South Wangaratta Urban Renewal Strategy to the Minister for Planning requesting the Minister approve the draft Amendment under Section 35 of the Planning and Environment Act 1987;***
- 3. notify those person/s making submissions of Council's decision; and***
- 4. investigate the preparation of a Traffic Impact Assessment Report for the bulky goods retailing precinct with the aim of apportioning development contributions to proposals for any upgrade to the Tone Road – Newman Street intersection.***

***Carried***

## 12.2.6.2 URBAN RENEWAL PROJECT – OVENS COLLEGE SITE

Author: Shivaun Brown, Economic Development Coordinator  
Former Ovens College Site 25.010.054

### **Introduction**

This report gives an update on the progress and outcomes of the Urban Renewal Project – former Ovens College Site, with a recommendation that the document be placed on exhibition to allow further community feedback.

### **Background**

In 2012, the State Government allocated \$30 000 under the Putting Locals First Fund and Council made a contribution of \$25 000 to carry out the Urban Renewal Project – Former Ovens College Site.

The objectives for the project were to:

#### **Identify:**

- The level of demand, type of use and user groups for proposed student accommodation at the site;
- Possible developers, investors and stakeholders; and
- A method of delivering the development of the site.

#### **Produce:**

- A detailed development plan for the site (including current building and infrastructure assessment, specific land parcel needs and requirements, future infrastructure development requirements and a business, equity and management model); and
- An investment attraction strategy and marketing prospectus.

All components of the study were delivered with the explicit understanding that Council have committed to retaining and maintaining the Community Hall on the site for Community use and benefit.

The draft final report “Former Ovens College Site – Student Accommodation Assessment” has been received.

### **Issues**

The assessment in regards to the proposed student accommodation showed the following results:

- student numbers are growing (GOTAFE and Charles Sturt University);
- the method of delivery for education is increasingly moving to online;
- this changes the frequency of student accommodation needs; and
- North East Health Wangaratta is currently fulfilling their need for student accommodation.

The study uncovered a shortfall in the short term accommodation market and proposed a combined development which allowed for short term accommodation provision which would also meet the needs of the student market. However, in the period of time the study has been undertaken there is potential investment earmarked for short term accommodation within Wangaratta.

The study did expose the lack of medium density housing for those looking to downsize, and the location of this site to local shopping, proximity to the CBD and other services enhances the sites potential for this market.

Furthermore, the study concurs with earlier work suggesting the potential to secure an Emergency Services Precinct at the Handley Street frontage, and education purposes at the Vincent Rd frontage.

### **Implications**

#### **Council Plan Outcomes**

- “Develop and implement strategies which assist key industry sectors to prosper in times of change”;
- “Participate in appropriate regional workforce development initiatives”; and
- “Implement the South Wangaratta Urban Renewal Masterplan including the former Ovens College site”.

#### **Sustainability**

The health and education sectors have a combined economic output of \$336M and employ approximately 27% of the current labour force for the municipality.

A key driver for a Regional City is that of affordable housing options for the existing demographic.

#### **Community Engagement**

A series of one-on-one stakeholder and community consultations were undertaken and an intensive, three day Enquiry by Design workshop was conducted, including all key stakeholders to the project.

### **Conclusion**

The outcomes of the study suggest that demand for further student accommodation is limited, but has indicated that the site has potential in three ways:

- maintained education provision at Vincent Rd frontage (The Centre) and (potential private investment);
- reinforced Emergency Services Precinct at Handley St frontage;
- community use within open spaces and a revitalised community hall; and
- medium density housing development.

It is therefore proposed that the Ovens College Site Student Accommodation Assessment document is placed on public exhibition for a one month period, and that during that time further consultation take place in regards to alternate uses for the site given the outcomes of the study.

### **Questions from the Gallery**

Dr Julian Fidge – Docker

Dr Fidge enquired if this proposal would change the purchase price of the land.

Ms Shivaun Brown, Acting Executive Manager Economic Development, replied that the price for the Ovens Colleges Site will remain the same; however, there is an agreed profit share arrangement in place with the Department of Education should the value of the land change due to zoning changes.

Dr Fidge asked if the zone changed to residential would the cost of the land increase.

Ms Brown responded that the cost associated for Council will be taken into consideration.

***(Moved: Administrator I Grant/ Administrator R Roscholler)***

### **Recommendation**

***That Council resolves to:***

- 1. place the Ovens College Site Student Accommodation Assessment on public exhibition for a one month period; and***
- 2. undertake further consultation in regards to alternate uses for the site within the public exhibition period.***

***Carried***

### 12.2.6.3 DRAFT WANGARATTA CENTRAL ACTIVITIES AREA FUTURE PLANNING REPORT

Author:  
Draft Wangaratta CAA Future Planning Report

Harj Singh, Manager Planning and Building  
01218

#### **Introduction**

This report provides a summary of submissions received to the Draft Wangaratta Central Activities Area (CAA) Future Planning Report and seeks Council's adoption of the Draft CAA Future Planning Report as exhibited with recommended corrections and alterations.

#### **Background**

This project reviewed the current issues of the Wangaratta CAA, identified the boundaries of CAA, developed a vision for CAA; and provides a set of recommendations.

Council resolved at its meeting on the 10 December 2013 to:

- '1. endorse the Draft Wangaratta Central Activities Area Future Planning Report and supporting reports, amended to include the consideration of bicycle safety and Access and Inclusion, for public exhibition and consultation;*
- 2. re-engage with those individuals, agencies and groups involved in the community engagement held to develop the Draft Wangaratta Central Activities Area Future Planning Report in early 2014 prior to formal exhibition; and*
- 3. exhibit the Draft Wangaratta Central Activities Area Future Planning Report and supporting Background Report for a period of 28 days in early 2014.'*

The Draft Wangaratta CAA Future Planning Report was exhibited from the 24 January 2014 to the 28 February 2014.

#### **Submissions to the Draft Strategy**

Council received two submissions to the Draft CAA Future Planning Report (**refer attachment**). The submissions have been summarised, responded to and recommendations made to alter the Draft Report in response to this submission (**refer attachment**).

#### **Implementation of CAA Future Planning Report**

The Draft CAA Future Planning Report recommends reinforcing the role of the Wangaratta CAA as the major multi-functional activity focus area to serve the needs of the local community and regional population, which would require a number of key tasks to be undertaken including:

- Preparation of a Structure Plan for CAA for the future comprehensive development;
- Review of Council's Car Parking strategy to address arrangements external to the Wangaratta CAA and the impact of congested traffic movement through the general area; and
- Development of a Signage and Way Finding strategy for CAA. A Signage Strategy for the Wangaratta CAA to co-ordinate directional signage, promote services and important activities and enhance existing signage.

There are also a number of actions which would be required to implement the above Council specific outcomes including:

- Undertake various minor Amendments to the Wangaratta Planning Scheme including clear identification of CAA boundaries and new Commercial zonings in CAA;
- Implement the outcomes of Population and Housing Strategy including rezoning and applying new residential zones;
- Implementation of the Tourism and Economic Development Strategy 20012-2015;
- Seek financial contributions toward joint infrastructure through developer contributions; and
- Investigate a location for an adaptive performance space within Merriwa Park.

### **Council Plan Outcomes**

The CAA Future Planning Report provides the overall guidance to commence the implementation of Section 5.2.2.2. of Council Plan that identifies that Council will:

*Undertake a place based approach to the development of the Wangaratta Central Activities Area.*

### **Sustainability**

The outcomes of the CAA Future Planning Report are very positive for the sustainability of:

- Local Economy
- Local Environment
- Local Community

### **Community Engagement**

Those persons making submission to the CAA Future Planning Report will need to be advised of Council's decision in writing



### **Conclusion**

As a consequence of all of the above the Draft CAA Future Planning Report is ready to be endorsed by Council to enable further strategic progress on delivering Councils 2030 Vision for the City.

### **Questions from the Gallery**

Nil.

*(Moved: Administrator R Roscholler/ Administrator I Grant)*

### **Recommendation**

*That Council resolves to:*

- 1. adopt the Draft CAA Future Planning Report as exhibited with alterations and changes as highlighted in this report in response to the submissions received during public exhibition as well as minor corrections to the Draft Report; and*
- 2. notify those persons who made submissions considered as part of the Draft Report of Council's decision in this matter.*

**Carried**

#### 12.2.6.4 TOURISM SPECIAL EVENTS FUNDING PROGRAM 2013/2014

Author: Shivaun Brown, Economic Development Coordinator  
Tourism Special Events Funding Program 25.040.032

##### **Introduction**

This report provides the information for 2013/2014 Special Events Funding Program allocations.

##### **Background**

The objective of the Special Event Funding Program is to:

- maximise the economic and community benefits associated with tourism events;
- provide significant branding and marketing opportunities for the region;
- substantially build the profile of the events to attract visitors from outside the Rural City of Wangaratta; and
- promote the tourism product strengths of the Rural City of Wangaratta.

These Special Events are significant in terms of branding and marketing opportunities for the region and are reflective of the Rural City of Wangaratta's identified tourism product strengths:

- Cycling;
- Food/Wine/Beer;
- Nature, Outdoor and Adventure; and
- Culture & Heritage:
  - Ned Kelly (Specific brand strengths)
  - Jazz (Specific brand strengths)

##### **Issues**

Grants are available for up to \$5,000 from the total annual allocation of \$37,000.

The first round of funding closed on 1 August 2013 with a second round subject to available funding to be completed in February 2014. At this point in time \$31,500 has been expended, and this second round deals with the balance and allocation of \$5,500.

The program applications have been reviewed by Council officers and funding recommendations made in line with the Council Plan objective for tourism, the Tourism and Economic Development Strategic Plan key directions and the grant program assessment criteria.

A summary of the Tourism Special Events Funding applications and suggested funding allocations has been attached (***refer attachment***).

Two applications were received and one has been recommended for allocation:

- Sam Miranda Kelly Country Classic meets the allocation criteria, and performed well in the overall assessment. It is therefore recommended that Council allocates \$5000 for this event.

### **Implications**

#### **Council Plan Outcomes**

Develop product and experiences in line with the current brand strengths of Business and events

#### **Sustainability**

These funds will enhance the outcomes for the Council Plan Objective:  
“Develop product and experiences in line with the current brand strengths of:

- Cycling;
- Food/Wine/Beer;
- Nature, Outdoor and Adventure; and
- Culture & Heritage:
  - Ned Kelly (Specific brand strengths)
  - Jazz (Specific brand strengths)”

This recommended funding allocations will assist in the delivery of an event which provide an estimated \$30 000 direct economic benefit.

### **Conclusion**

This application aligns with the criteria for the Tourism Special Events Funding Program and will deliver a direct economic benefit to the community and act as a marketing activity in showcasing tourism products and experiences which drive repeat visitation.

### **Questions from the Gallery**

Nil.

***(Moved: Administrator A Fox/ Administrator I Grant)***

### **Recommendation**

***That Council resolves to allocate \$5000 ex GST to the 2014 Sam Miranda Kelly Country Classic***

***Carried***

### **Communication**

All applicants will be notified in writing of Council's decision.

### 12.2.6.5 VISITOR ATTRACTION FUNDING PROGRAM 2013/2014

Author: Shivaun Brown, Economic Development Coordinator  
Tourism Visitor Attraction Events Funding Program 25.040.032

#### **Introduction**

This report provides the information for Visitor Attraction Funding Program 2013/2014 allocations.

#### **Background**

Visitor Attraction events are generally annual events held throughout the Rural City of Wangaratta which provide significant economic impact, community and tourism significance for their region, but may not be recognised at a state level. They are complementary to the Rural City of Wangaratta's strategic direction and are able to attract, or are likely to attract in the future, intrastate and interstate visitors.

The objective of the Visitor Attraction Event Funding Program is to:

- maximise the economic and community benefits;
- substantially build the profile of the events to attract visitors from outside the Rural City of Wangaratta; and
- Complement the strategic direction of the Rural City of Wangaratta.

#### **Issues**

Grants are available for up to \$2,500 from the total annual allocation of \$10,000.

The first round of funding closed on 1 August 2013 with a second round subject to available funding to be completed in February 2014. At this point in time \$8,000 has been expended, and this second round deals with the balance and allocation of \$2,000.

The program applications have been reviewed by Council officers and funding allocation recommendations made in line with the Council Plan objective for tourism, the Tourism and Economic Development Strategic Plan key directions and the grant program assessment criteria.

A summary of the Tourism Visitor Attraction Event Funding applications and suggested funding allocations has been attached (***refer attachment***).

One application was received.

- The application for the 2014 Edi Upper Primary School Horse Trail Ride meets the allocation criteria, and performed well in the overall assessment. Although this event is hosted by a community group, it has the potential to grow and be a conduit in promoting the 'Nature, outdoor and adventure offer of the King Valley. It is recognised that attendees are predominantly from outside the region.

It is therefore recommended that Council allocates \$2000 for this event.

### **Implications**

#### **Council Plan Outcomes**

“Develop product and experiences in line with the current brand strengths of:

- Cycling;
- Food/Wine/Beer;
- Nature, Outdoor and Adventure; and
- Culture & Heritage:
  - Ned Kelly (Specific brand strengths)
  - Jazz (Specific brand strengths)”

This recommended funding allocations will assist in the delivery of an event which provide an estimated \$10 000 direct economic benefit.

### **Conclusion**

This application aligns with the criteria for the Visitor Attraction Events Funding Program and will deliver a direct economic benefit to the community and act as a marketing activity in showcasing tourism products and experiences which drive repeat visitation.

### **Questions from the Gallery**

Nil.

*(Moved: Administrator A Fox/ Administrator I Grant)*

### **Recommendation**

***That Council resolves to allocate \$2000 ex GST to the 2014 Edi Upper Primary School Horse Trail Ride***

***Carried***

### **Communication**

The applicant will be notified in writing of Council's decision.

### 12.2.6.6 DRAFT AMENDMENT 53 TO WANGARATTA PLANNING SCHEME – INTRODUCTION OF NEW RESIDENTIAL ZONES

Author:

Victoria Mallinder, Coordinator Strategic Planner

73.030.067

#### Introduction

This report seeks Council's agreement to adopt draft Amendment C53 with changes and submit the draft Amendment under Section 31 of the *Planning and Environment Act 1987* to the Minister for Planning for approval.

#### Background

On 10 December 2013, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C53 to the Wangaratta Planning Scheme. Amendment C53 gives effect to the three new residential zones, being the Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone, introduced into the Victoria Planning Provisions on 01 July 2013.

The existing Residential 1, 2 and 3 Zones are to be replaced by the three new zones. The Minister for Planning has given Councils until 30 June 2014 to introduce the new residential zones into their local planning scheme. Wangaratta Council is currently leading the way in the Hume region with implementation of the new zones.

#### Current situation

The amendment was exhibited for public comment from 06 February 2014 to 06 March 2014.

Notification was undertaken in accordance with Section 19(1) of the Planning and Environment Act 1987 (the Act). Notice included letters and maps to all owners and occupiers affected by the new Residential Growth and Neighbourhood Residential Zones.

A total of five submissions were received by Council. These are summarised in the table below and included in full at **Attachment 1**.

Received	Details	Issues	Recommended Action
25/02/14	J & A Vance Vernon Road Wangaratta	Expression of support for the use of the Neighbourhood Residential Zone in the Vernon Road area.	No action required
03/03/14	Neil Repacholi Goulburn- Murray Water	No objection to amendment	No action required

Received	Details	Issues	Recommended Action
03/03/14	D Whitty Cusack Street Wangaratta	Request to change the proposed zoning of 33-35 Cusack Street from Neighbourhood Residential Zone to Residential Growth Zone to enable future residential development on site.	Change the proposed zoning of 33-35 Cusack Street Wangaratta from Neighbourhood Residential Zone to Residential Growth Zone with the application of an Environment Audit Overlay over the site (refer discussion below).
05/03/14	Stuart Redman VicRoads	No objection to amendment  Recommends Council consider a planning tool that considers long term traffic impacts on main intersections affected by Residential Growth Zone.	No action required under this amendment.
05/03/14	M Perri Perry Street Wangaratta	Expression of support for the use of the Neighbourhood Residential Zone.  Comment regarding use of waterway reserve as a road, and hope that NRZ will limit use of reserve as thoroughfare/road.	No action required under this amendment.  Comment regarding waterway reserve beyond the scope of this amendment.

### **Discussion**

Section 22(1) of the Act requires Council to consider all submissions made to an amendment. Four submissions require no action as they are either in support or have no objection to the amendment.

The submission from Mr Whitty requests a change to the proposed zoning of 33-35 Cusack Street, Wangaratta. The site is currently zoned Residential 1 Zone, with a Heritage Overlay (Schedule HO11) applied to the site. The site was proposed as Neighbourhood Residential Zone (NRZ), rather than Residential Growth Zone (RGZ), due to the Heritage Overlay, which applies specifically to the grain silos on site. Currently the site is used for industrial purposes (grain storage and transport) and has existing use rights as a 'non-conforming' use in the Residential 1 Zone.

Advice was sought from Council's Heritage Advisor regarding a change from NRZ to RGZ. The change is supported, as it is considered that the vertical nature of the silos would translate well to a more intensive residential use and retain their integrity. There may even be the opportunity for conversion of the silos for residential use.

Due to the risk of potentially contaminated land (given the historical use of the site for various industrial purposes), Council must give consideration to Ministerial

Direction No. 1 'Potentially Contaminated Land'. The Direction requires that a planning authority (Council) must satisfy itself that the environmental conditions of that land are or will be suitable for that use. Council can satisfy itself through application of the Environmental Audit Overlay over the land. The submitter, Mr Whitty, advised in writing that he was satisfied with the change from Neighbourhood Residential Zone to Residential Growth Zone with application of the Environmental Audit Overlay.

Planning Panels Victoria will be notified that a Panel Hearing is not considered necessary for the draft Amendment.

### **Implications**

#### **Council Plan Outcomes**

The amendment is consistent with Objective 5.2 'To ensure land use planning provides balanced outcomes for community, growth, existing land use, environment and heritage'.

#### **Sustainability**

The outcomes of the draft amendment are very positive for the sustainability of:

- Local Economy
- Local Environment
- Local Community

The introduction of the new residential zones promotes the orderly and economic use of land which is consistent with current State and local planning outcomes.

#### **Community Engagement**

Council has complied with notification requirements under the Planning and Environment Act 1987.

### **Questions from the Gallery**

Nil.

***(Moved: Administrator R Roscholler/ Administrator I Grant)***

### **Recommendation**

***That Council resolves to:***

- 1. adopt draft Amendment C53 New Residential Zones with changes under Section 29 of the Planning and Environment Act 1987;***
- 2. submit draft Amendment C53 New Residential Zones to the Minister for Planning requesting the Minister approve the draft Amendment under Section 35 of the Planning and Environment Act 1987; and***
- 3. notify those person/s making submissions of Council's decision.***

***Carried***



## **12.3 SPECIAL COMMITTEE REPORTS**

Nil.

## **12.4 ADVISORY COMMITTEE REPORTS**

### **12.4.1.1 SPORT & RECREATION ADVISORY COMMITTEE REPORT**

Author: Leonie Painter Manager Community and Recreation  
Sport & Recreation Advisory Committee 61.010.003

#### **Background**

The Sport & Recreation Advisory Committee held a meeting on 3 February 2014.

Attendees: Administrator Irene Grant, Laurie Johnston, Anne Bittner, Wayne Tennant, Cassy Campbell, Jason Maroney, Leonie Painter, Marcus Forster.

There were no declarations of conflict of interest.

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

1. The Committee was briefed on current projects such as:
  - Mitchell Ave and West End Gathering Place;
  - Clustered Netball Court Project;
  - City Oval-Tennis Precinct Multipurpose Sporting Project;
  - H.P. Barr Oval Lighting and Drainage Project; and,
  - Moyhu Tennis-Multipurpose Project.
2. Outcomes from Walk to School November 2013 were delivered to the Committee for comment.
3. A review of the Recreation Strategies and Plans Implementation Report (RSPiR) was provided.
4. The results of the recently conducted Youth Recreation Survey were delivered.
5. Emerging projects were discussed, such as:
  - South Wangaratta Reserve lighting and pitch re-alignment; and,
  - Whorouly Recreation Reserve change room facility development.

6. Improvements to the Merriwa Park Comfort Station to create a bicycle hub were discussed and a concept committed to be delivered to the Committee for comment.

**Questions from the Gallery**

Nil.

*(Moved: Administrator A Fox / Administrator I Grant)*

**Recommendation**

*That Council resolves to note the report.*

***Carried***

### 12.4.1.2 PLACE NAMING COMMITTEE – MEETING REPORT

Author: Sandra Dalton, Secretary Place Naming Committee  
Place Naming Committee 73.020.014

#### **Background**

The Place Naming Committee (PNC) held a meeting on Wednesday 19 February with the following members in attendance: Adrian Gasperoni, Sandra Dalton, Beryl Bellis, Val Gleeson, Ivan Tippet, Julie Allen, Neil Ottaway, Ken Jenvey, Ken Miller and Jane Kaye.

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

The following items were discussed at the meeting:

- Anzac Commemorative Naming Project
- Research for Street Naming History – ongoing
- Funding proposal for research through the Anzac Commemorative Naming Project
- Anzac Centenary Community Grants Program
- Request for commemorative park bench and plaque
- Road name change request at Tarrawingee

The following items are reported for information:

#### Unnamed road in Londrigan

A report can be found elsewhere in the agenda.

#### Proposal to name unnamed road between Wattle Range Road and Faithfulls Road, Tolmie

Further research, will be considered at the next Committee meeting.

#### **Questions from the Gallery**

Nil.

***(Moved: Administrator I Grant/ Administrator R Roscholler)***

#### **Recommendation**

***That Council resolves to note the report.***

***Carried***

### 12.4.1.3 AGRICULTURE AND AGRIBUSINESS ADVISORY COMMITTEE

Author: Shivaun Brown, Economic Development Coordinator  
Agriculture and Agribusiness Advisory Committee 25.070.006

#### **Background**

Council's Agriculture and Agribusiness Advisory Committee (AAAC) held a meeting on Monday 3 March 2014.

**Attendees:** A Fox (Chair), R Bennett, G Norman, H Benton, V McKenzie, J La Spina, G Bussell, L Campbell, S Green, B Green, B McGrath, S Brown, B Chapman, T Raven.

H Benton declared a conflict of interest in regards to the Saleyards Upgrade.

The following items were discussed at the meeting:

- Presentation Roadside Conservation Management Plan
- Role of the Agriculture and Agribusiness Advisory Committee
- Rating Strategy Review
- Potential to re-establish Agribusiness Forum.
- Saleyards Upgrade
- Recent Flood Overlay work on exhibition

A Special meeting will be called in the next four weeks. Committee members will be advised of the date as soon as possible.

The next ordinary meeting of the Agriculture and Agribusiness Advisory Committee is scheduled for Monday 5 May 2014.

#### **Questions from the Gallery**

Nil.

***(Moved: Administrator A Fox/ Administrator R Roscholler)***

#### **Recommendation**

***That Council resolves to note the report.***

***Carried***

#### 12.4.1.4 WANGARATTA UNLIMITED ADVISORY BOARD (COMMITTEE) MEETING REPORT

Author:

Shivaun Brown, Economic Development Coordinator

Wangaratta Unlimited Board

25.007.002

#### **Background**

The Wangaratta Unlimited Advisory Board (Committee) held their monthly meeting on Tuesday 4 March 2014 with the following members in attendance: Grant Jones, Administrator Rod Roscholler, G Wilkinson, Barry Sullivan, Stephen Oxley, Helen Haines, Graham Church, Barry Green, Brendan McGrath, Charles Halter and Shivaun Brown.

There were no declarations of conflicts of interest.

The following items were discussed at the meeting:

- Introductions CEO Brendan McGrath & Director Development Services Barry Green
- Overview role and responsibilities of the Advisory Committee in accordance with the Charter

Reports were received from the following committees or projects:

- Regional Victoria Living Expo preparations
- Manufacturing Forum
- North East Victoria Small Business Festival
- Ovens College Site

#### **Questions from the Gallery**

Nil.

***(Moved: Administrator R Roscholler/ Administrator I Grant)***

#### **Recommendation**

***That Council resolves to note the report.***

***Carried***

### 13. **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.

<b>Date</b>	<b>Meeting details</b>	<b>Refer</b>
17/02/2014	Future Economic Development Opportunities	Attachment
17/02/2014	Purpose of Minister for Planning Visit	Attachment
18/02/2014	Waste Management Strategy	Attachment
18/02/2014	Local Law No.1	Attachment
18/02/2014	Council Plan Review	Attachment
24/02/2014	Administrators Retreat Day 1	Attachment
25/02/2014	Administrators Retreat Day 2	Attachment
25/02/2014	Administrators Briefing Forum	Attachment

#### **Questions from the Gallery**

Nil.

***(Moved: Administrator A Fox/ Administrator I Grant)***

#### **Recommendation**

***That Council resolves to receive the reports of Assemblies of Administrators.***

***Carried***

**14. NOTICE OF MOTION**

Nil.

**15. URGENT BUSINESS**

Nil.

**16. PUBLIC QUESTION TIME**

Public Question Time

10.020.004

**Mr Jim Lewis – Wangaratta**

Mr Lewis submitted the following:

It is often stated the halls become the centre of small community life especially when other community buildings are gone. I am not debating that. When we see community plans for an area an upgrade of the kitchen facilities is often listed. Usually there is no figure to outline the likely frequency of use of the upgraded facility. Of course such facilities are getting progressively more sophisticated with advances in technology and upgraded regulations.

Could council get some assessment of such use and investigate the use of a mobile kitchen to serve a group of halls.

I acknowledge that there are many questions that this raises, but an indication of cost and effectiveness is surely worthy of some investigation.

To be inserted as per Jim's email

Mr Brendan McGrath, Chief Executive Officer, responded that he will take it on notice; however it is his understanding that a lot of work has been undertaken in assessing the condition of the halls in the municipality and Council does have reasonable data to support usage. In relation to the feasibility of a mobile kitchen, we need to investigate whether or not it is viable to warrant a shared resource.

**Dr Julian Fidge – Docker**

Dr Fidge submitted the following questions to Council:

1. Can you confirm that North East Security Services (NESS) were responsible for transporting and/or securing the ballot papers from the last council election in 2012; and
2. Can you confirm that the ballot papers from the last election have been preserved?

The following response was received from the Victorian Electoral Commission:

In accordance with the Local Government (Electoral) Regulations 2005, Regulation 114 (1) the used ballot material was returned to Council on 29/10/2012 by the Returning Officer, Elaine Broadway. Elaine has advised that no external provider was used to transport the sealed boxes containing the used ballot material after the close of voting.

In accordance with Regulation 114(2) the Chief Executive Officer is required to keep the election material safely and secretly for 4 years from the date of the general elections.



Mr Kieran Klemm – Londrigan

Mr Klemm referred to the Saleyards issue and recent upgrades to the Performing Arts Centre, the Library, and the Wangaratta Indoor Swimming and Aquatic Centre which all have charges and need support from ratepayers. Mr Klemm enquired that if the Saleyards have an economic benefit, should Council contribute towards the Saleyards' running costs.

Mrs Ailsa Fox, Administrator Chair, responded that Council is still waiting on costings for the Saleyards and the recent articles in the media were to raise discussion regarding the issues. Mrs Fox added that the Agriculture and Agribusiness Advisory Committee were getting information regarding Council's Budget and borrowings at their next meeting so they have an understanding of where this project sits in the current Council Budget. When the final costings are received the matter would be fully considered.

Dr Julian Fidge asked if Council could explain the term 'Competitive Neutrality' to allow for a stronger understanding by the community.

Mr Brendan McGrath, Chief Executive Officer, responded that there is a requirement for Councils to consider the issue of Competitive Neutrality.

Essentially, if the Council is operating a service where there are likely to be private operators competing (e.g. Barnawatha), Council must fully cost the cost of providing that service and make sure it takes into account a range of costs that other private providers would incur in providing that same service.

Council then needs to consider whether it will produce that service in such a way that it is fully self-sustainable or whether it makes some policy decision that there is some broader community benefit that it could justify as to why the community should make a subsidy for that service.

Mrs Lanette Patford – Glenrowan

Mrs Patford asked who gave permission for a gully to be blocked off. Water run-off is causing the development of another gully that will cut off the Glenrowan West Road. Mrs Patford has not received advice from Council.

Mr Peter Godfrey replied that Council's engineers had visited the site and provided a response to Mrs Patford.

Mr Brendan McGrath, Chief Executive Officer, apologised for the delay in responding to Mrs Patford and would provide an answer in writing to the question.

Dr Julian Fidge – Docker

Dr Fidge enquired of Mrs Ailsa Fox, Administrator Chair, if she had asked Wangaratta Magpies Football and Netball Club to take down the marquee at the NAB Cup football match.

Mrs Ailsa Fox, Administrator Chair, replied that she personally had not made that request and the Administrators had not been involved in the operational running of the event.

Mr Brendan McGrath, Chief Executive Officer, responded through the Chair that there had been temporary scaffolding erected but, on inspection, it had not met with the regulations required and Council requested some modifications to be made and some limits to the numbers allowed onto the structure during the game. Council and the organisers of the event managed the numbers on the structure during game day.

Dr Fidge asked if the club would be able to have the marquee in the future.

Mr Brendan McGrath, Chief Executive Officer, replied that he was not aware of any issue with a marquee and if that was a different issue to the scaffolding then he would need to investigate further.

Ms Dianne Farmer

Ms Farmer commented on the success of the recent 'Clean up Australia' day and referred to a particularly bad 'hot spot' on the 1 mile creek and asked if the 2014-15 Budget would have any money allocated to cleaning up these 'hotspots' or for education of the community.

Mr Adrian Gasperoni, Manager Technical Services (formerly Acting Director Infrastructure) responded that there was a Litter Trap project going to the 2014/15 Budget for consideration and to future years. The question regarding community education would be taken on notice.

Mrs Ailsa Fox, Administrator Chair, added her thanks, on behalf of the community, for all the hard work Ms Farmer does for the municipality in this regard.

Mr Brian Jones – Bowser

Mr Jones enquired if it would be possible to have more than one 'Clean Up' day each year, perhaps quarterly.

Mrs Ailsa Fox, Administrator Chair, replied that if the community was interested in pursuing more 'Clean Up' days the relevant Council officers would be happy to help with the arrangements.

Mr Gary Nevin - Bobinawarra

Mr Nevin referred to the lengthy agenda for the Council meeting and expressed his difficulties in reading the document.

Mrs Ruth Kneebone, Director Corporate Services, responded that the agenda formatting would be reviewed.

Mr Keiran Klemm

Mr Klemm referred to a twenty million dollar saleyards development at Ballarat and asked if Council could perhaps investigate some of their economic benefit figures.

Mrs Ailsa Fox, Administrator Chair, replied that it was the same company upgrading the Ballarat and the Barnawatha yards.

**17. ACKNOWLEDGEMENTS**

Mrs Ailsa Fox expressed appreciation for the Directors who have acted in higher positions during recent months. These officers have done a great job in carrying forward a lot of the work of the Rural City of Wangaratta and, on behalf of the municipality, Mrs Fox proffered her thanks.

**18. CONFIDENTIAL BUSINESS**

Nil.

**19. CLOSURE OF MEETING**

The meeting closed at 7:18pm.

**20. ATTACHMENTS**

- 12.2.1.1 Review of Delegations
- 12.2.2.1 Review of Delegations
- 12.2.2.2 Local Law No. 3 Of 2014 – Meeting Procedure Local Law (Administrators)
- 12.2.2.3 Administrators' Code of Conduct
- 12.2.2.4 Chief Executive Officer – Instrument of Appointment And Authorisation
- 12.2.3.1 Gifts, Benefits & Hospitality Policy and Register Of Interests Returns Policy
- 12.2.4.1 Special Committees of Council – Committee Membership Appointments
- 12.2.4.2 Rural City Of Wangaratta Domestic Animal Management Plan (Dam Plan)
- 12.2.4.3 Community Planning Update
- 12.2.4.4 Draft Rural City Of Wangaratta Local Law No. 1 (Community Amenity)
- 12.2.4.1 Arts Culture and Heritage Advisory Committee Recommendation Report – Wangaratta Art Gallery Upgrade Project
- 12.2.5.2 Road Naming Proposal for Unnamed Road At Londrigan
- 12.2.5.3 Regional Waste Management Group Representative
- 12.2.6.1 Draft Amendment C50 to Wangaratta Planning Scheme – South Wangaratta Urban Renewal Masterplan
- 12.2.6.3 Urban Renewal Project – Ovens College Site
- 12.2.6.4 Tourism Special Events Funding Program 2013/2014
- 12.2.6.5 Visitor Attraction Funding Program 2013/2014
- 12.2.6.6 Draft Amendment 53 to Wangaratta Planning Scheme – Introduction of New Residential Zones
- 13. Records of Assemblies of Administrators