

# 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, 19 MARCH 2013** COMMENCING AT 7.00PM

Doug Sharp  
**CHIEF EXECUTIVE OFFICER**

As at 8/04/13 9:46 AM



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1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

2. **OPENING PRAYER**

3. **PRESENT**

Chairperson: Councillor R Parisotto, Mayor  
Councillor N Amery; Councillor T Atkins; Councillor J Fidge; Councillor D Joyce;  
Councillor P O'Brien.

Officers Present:

Mr Doug Sharp, (Chief Executive Officer); Mr Ray Park, (Director Sustainability);  
Mr Andrew Close (Director Infrastructure Services); and Ms Ruth Tai (Director  
Community Wellbeing)

4. **ABSENT**

Councillor L McInerney

5. **ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE**

**(Moved: Councillor D Joyce/Councillor T Atkins)**

**That:**

- 1. Councillor L McInerney be granted leave of absence for the period Thursday 21 February to Friday 15 March 2013 inclusive; and**
- 2. Councillor L McInerney be granted leave of absence for the period Saturday 6 April to Wednesday 10 April 2013.**

**Carried**

**ORDER OF BUSINESS**

**(Moved: Councillor J Fidge/Councillor D Joyce)**

***That Standing Orders be suspended.***

**Carried**

6. **CITIZENSHIP CEREMONY**

The Australian Citizenship ceremony was held.

**(Moved: Councillor J Fidge/Councillor T Atkins)**

***That Standing Orders be resumed***

***Carried***

**7. CONFIRMATION OF MINUTES**

**(Moved: Councillor J Fidge/Councillor N Amery)**

**Recommendation:**

***That the Minutes of the Ordinary Meeting of 19 February 2013 and the Minutes of the Special Meeting of 7 March 2013 be taken as read and confirmed as a true and accurate record of the proceedings of the meetings.***

***Carried***

**8. CONFLICT OF INTEREST DISCLOSURE**

Councillor T Atkins declared a conflict of interest in items:

- 11.2.2.5 - Engagement Of Consultant – DPCD Rural Flying Squad – Updating of Land Subject to Innundation Overlay (LSIO) King River And Tributaries;
- 11.2.4.4 - Engagement of Consultant for a Bathymetric Survey and
- 11.2.4.7 - Engagement of Consultant for the Assessment of Proposed Works on Ovens Riverbank,

as she is a Board Member of North East Catchment Management Authority .

## 9. RECEPTION OF PETITIONS

### 9.1.1.1 PETITION – PLANE TREE ISSUES IN ROWAN STREET, WANGARATTA

Rowan Street

16540\*

#### Introduction

A petition containing some 12 signatures from residents of Rowan Street, Wangaratta has been received. A copy of the petition is attached (***refer attachment***).

#### Background

In accordance with Local Law No.2 of 2009 – Meeting Procedures a petition presented to the Council must lay on the table until the next ordinary meeting of the Council and no motion, other than to receive the petition, may be accepted by the Chairperson, unless Council agrees to deal with it earlier.

#### Issues

The petitioners request an on-site meeting with Council's Arborist to consult with home owners concerning the pruning/lopping of the extreme height of the trees, and to consider the position of electricity and telephone lines.

A report now needs to be prepared on the matters raised in the petition.

**(Moved: Councillor D Joyce/Councillor J Fidge)**

#### Recommendation

That

- 1. the petition regarding the pruning/lopping of plane trees in Rowan Street, Wangaratta be received; and***
- 2. a report into investigations into the request within the petition be considered at the April 2013 Ordinary Council meeting.***

***Carried***

#### Communication

The first named signatory on the petition will be advised of Council's determination on this matter.



### 9.1.1.2 JOINT LETTER REGARDING THE NEED FOR A “DOG PARK” IN WANGARATTA

Animals – Administration/Operation

58.040.001

#### **Introduction**

A joint letter containing more than 500 signatures from the Yarrunga South Wangaratta Action Group (SWAG) and the Wangaratta Puppy Play Group has been received. A copy of the joint letter is attached (*refer attachment*).

#### **Background**

In accordance with Local Law No. 2 of 1999 – Meeting Procedures, a petition/joint letter presented to the Council must lay on the table until the next Ordinary Meeting of the Council and no motion, other than to receive the petition/joint letter, may be accepted by the Chairperson, unless Council agrees to deal with it earlier.

#### **Issues**

The letter is in reference to the need for a “dog park” in Wangaratta

A report now needs to be prepared on the matters raised in the letter.

**(Moved: Councillor J Fidge/Councillor N Amery)**

#### **Recommendation:**

*That:*

- 1. the joint letter regarding the need for a Dog Park be received; and*
- 2. a report into investigations into the request within the letter be considered at the April 2013 Ordinary Council meeting.*

**Carried**

#### **Communication**

The first named signatory on the joint letter will be advised of Council's determination on this matter.

## **10. HEARING OF DEPUTATIONS**

Nil

## **11. PRESENTATION OF REPORTS**

### **11.1 COUNCILLORS' REPORTS**

Nil

### **11.2 OFFICERS' REPORTS**

#### **11.2.1 EXECUTIVE SERVICES**

##### **11.2.1.1 RE-SCOPING STUDY – NED KELLY INTERPRETIVE CENTRE**

Ned Kelly Interpretive Centre

25.040.035

#### **Introduction**

The Ned Kelly Interpretive Centre Re-scoping Study has been undertaken and reported to Council in July 2012.

The resolution of the Council was that the report be received and Council support the further development of the nominated concept.

#### **Background**

The Rural City of Wangaratta engaged Consulting Group Thylacine, Terroir and Hirst to undertake a re-scoping study of the Ned Kelly Interpretive Centre at Glenrowan. The study was jointly funded by the Rural City of Wangaratta, Regional Development Australia (Hume Region) and Tourism Victoria.

The re-scoping study involved significant one on one consultation with key stakeholders and concluded with a well attend public information session with the Glenrowan community.

The objective of the re-scoping study was to undertake a comprehensive review of previous work including recommendations of the 2002 Glenrowan Masterplan and the Heritage Precinct study undertaken in 2003. The study also acknowledged changed circumstances with national visitation trends, consumer expectations, potential project partners and a recommended business model/concept to progress.

In progressing further development of the nominated concept presentations and feedback sessions have been undertaken with the North East Victoria Tourism Board, Hume RDA and Regional Development Victoria's Economic Investment Unit.

A presentation was undertaken by consultant, Sally Hirst to Councillors in January 2013 as an element of the Council Planning Workshop.

## **Issues**

Stage two of the further development of the nominated concept will require detailed design and architectural drawings to further progress the project.

## **Implications**

### **Council Plan Outcomes**

A key action nominated in the 2009-13 Council Plan states: “evaluate and determine a position on re-scoping the Ned Kelly interpretive centre proposal”.

The concept of further enhancement of visitation based around the Kelly legend has been identified as a priority in the North East Victoria Tourism Boards’ gap analysis whilst the concept is also listed as a key infrastructure development priority with Tourism Victoria.

The urban design elements and focus on ensuring Glenrowan maintains the compact retail ‘grid’ which complements the aspirations of the community is identified in the 2002 Glenrowan Masterplan.

### **Financial Impact**

Discussions held with potential funding partners indicate the potential for joint funding of the detailed design works. It is estimated that the overall design and architectural works required will amount to approximately \$300,000. It is anticipated that this cost will require a 50% contribution from Council with the balance leveraged through State Government programs.

This next critical stage of the project will include the engagement of an architect and quantity surveyor to take this concept to a detailed design and costed plan which subject to Council determination would be deemed as a ‘Shovel Ready’ project.

This would be an essential element prior to progress funding opportunities with both State and Federal Government.

### **Organisational Impact**

The findings and recommendation of the design works and costings provide well researched and informed commercial intelligence to support Council’s decision making process.

## **Conclusion**

The undertaking of this second stage of works has been identified as a key action within the 2012-2015 Wangaratta Unlimited Tourism & Economic Development Strategy supporting the key objective to “Actively lobby for the development of legitimate new product/experiences around the Ned Kelly brand” and to “Build on the existing brand of ‘Ned Kelly’ as a strong point of difference for the region”.

**Recommendation:**

*That Council commit to the further development of the nominated concept for the Kelly Centre at Glenrowan by seeking a matched financial contribution from relevant government agencies to undertake the detailed design and costing phase of the project.*

**(Moved: Councillor J Fidge/Councillor P O'Brien)**

***That Council seek a matched financial contribution from relevant Government agencies to allow Council to consider a detailed design and costing phase of the Kelly Centre at Glenrowan.***

**Carried**

**11.2.1.2 DRAFT KING VALLEY TO MILAWA MASTERPLAN**

King Valley Masterplan

25.010.039

**Introduction**

The Draft King Valley to Milawa Masterplan (***refer attached***) is now complete, and includes the township of Cheshunt as per the request of Council.

**Background**

The project received a State Government contribution of \$20,000 for the total project cost of \$60,000. The project was undertaken by consultants Urban Enterprise. The draft final report was completed in November 2011, Council determined at that time to include the township of Cheshunt in the final plan. This extended work is now complete and included within the final report.

It is important to note that the Draft King Valley to Milawa Masterplan has not been created in isolation and was created from within a context of other bodies of work; namely:

- the Rural City of Wangaratta 2030 Community Vision;
- the Rural City of Wangaratta Council Plan 2009 – 2013;
- the Rural City of Wangaratta 2012 Rural Land Strategy;
- the Rural City of Wangaratta Rural Landscape Assessment Study 2012 Review;
- the 2012 – 2015 Rural City of Wangaratta Tourism and Economic Development Strategy;
- the Rural City of Wangaratta 2011 Wine Industry Re-structure Strategy; and
- the Community Plans belonging to the townships within the study.

The distillation of these works provided the vision for the Draft King Valley to Milawa Masterplan:

*“That the King Valley to Milawa region continue to be a location of intrinsic natural beauty and is a prosperous region to live, work and invest.”*

### **Issues**

The Draft King Valley to Milawa Masterplan was carried out to ensure that Council is well advised on the current issues and opportunities relating to economic prosperity within the King Valley to Milawa region.

The objectives in carrying out the study are to:

- ascertain the limit, extent and priorities of future economic development in the King Valley and Milawa Gourmet Region;
- acknowledge and further develop the existing character attributes for the region and townships;
- determine what services and infrastructure are needed to support the above objectives, and;
- maximise future tourism development afforded by the planned review of the zoning within the study area, without compromising the long established character attributes of the region.

In addressing the objectives of the study, Urban Enterprise have developed a Priority Project list (High, Medium, Low), for activities which are integral to the economic development of the King Valley to Milawa region. An internal council working group have now assessed this list and have used it to develop an Implementation Plan (***refer attached***), which takes into account internal and external processes, timelines, priorities, funding streams and projects already underway.

In Council's initial review of the document it was noted that the Masterplan's previous name (King Valley Masterplan) was leading to misunderstandings regarding the geographical location and some regional branding issues. The name of the document (and relevant content) has now been updated to more clearly reflect the region and branding opportunities.

### **Implications**

#### **Council Plan Outcomes**

“Renew the King Valley Masterplan” (2011)

“Progress key actions identified within the King Valley Masterplan” (2012)

### Community Engagement

The process for the development of the document has incorporated a number of business and community consultation methods, including a project working group, open township walks, individual consultations as required and media coverage to ensure broader dissemination project updates. The final phase of consultation is to place the document on public exhibition. Further consultation opportunities will be arranged for the working party at this point.

### Conclusion

The Draft King Valley to Milawa Masterplan is now prepared to be received by Council and to be placed on public exhibition.

### Recommendation

**(Moved: Councillor T Atkins/Councillor D Joyce)**

***That:***

- 1. the Draft King Valley to Milawa Masterplan, as prepared for exhibition, be received by Council; and***
- 2. Council place the Draft King Valley to Milawa Masterplan on public exhibition and receive public submissions up to Friday 19 April 2013.***

***Lost***

#### 11.2.1.3 CRITERIA FOR DETERMINING TO ENGAGE A CONSULTANT

Consultant Engagement - Approval by Council

20.010.010

### Introduction

This report outlines the process used within the Council organisation in determining whether to engage a consultant.

### Background

At the January Council meeting, Council resolved:

*'That Council review and decide upon the engagement of all external consultants except in emergencies for the next twelve months'.*

At the subsequent February Council meeting, regarding the matter of Engaging Consultants, Council resolved the following:

*That*

1. *Council confirm the definition for external consultants as being:  
“A professional who provides professional or expert advice and service in a particular area, who has a wide knowledge of the subject matter, who is engaged externally by Council and whose expertise is provided on a temporary basis for a fee.”*
2. *Council confirm the definition for emergencies as being:  
“A sudden, urgent, usually unexpected, occurrence or occasion requiring immediate action.”*
3. *After reviewing the process previously used by the Corporate Management Team (CMT) in engaging consultants, Council will provide criteria for the engaging of external consultants’.*

### **Issues**

There are a number of considerations Council officers take into account when determining whether a particular task requires the services of a consultant or is able to be undertaken with Council staff. These considerations include:

- Are resources available within Council to complete the task in a timely manner in light of other existing priorities?
- Are there requirements attached to the funding of the task that require it to be completed by a consultant?
- Is there a need for the task to be undertaken by a person independent of Council?
- Is there a Council Officer appropriately trained or qualified to complete the task?
- Is this a task requiring specialised equipment?
- Does the task require independent objective analysis of the issues contained within the task?

### **Implications**

Are resources available within Council to complete the task in a timely manner in light of other existing priorities?

In some cases Council does have staff qualified to be able to undertake the task but priorities in workload would result in the particular task being delayed or other programmed works being delayed.

Are there requirements attached to the funding of the task that require it to be completed by a consultant?

Some funding agreements require works being undertaken by persons independent of the organisation. The flood restoration works are a good example.

The Natural Disaster Resilience Grant funding does not fund Council staff involved in restoration works beyond the initial disaster response. Council has engaged consultant project managers and engineers to manage the restoration works and has been refunded the costs of the engagement. Council does have staff capable of undertaking this work, but the engagement of the consultants has allowed staff to focus on delivering Council's capital works program and responding to ratepayer requests and for all of the costs incurred to be recovered.

Is there a need for the task to be undertaken by a person independent of Council?

The audit processes are the best example of where a consultant independent of Council is engaged to undertake works to assess compliance with standards or other regulatory requirements. The Environment Protection Authority (EPA) requires Council to engage environmental auditors approved by the EPA.

Is there a Council Officer appropriately trained or qualified to complete the task?

In some cases, the task is 'one off' or one that is rarely undertaken. To train a Council Officer to undertake the task costs officer time in attending the course, course fees, and often the associated costs with the staff member having to travel and stay in Melbourne. In these situations there is no value in training the officer and it is better value for Council to engage a contractor.

Furthermore, for the tasks that are rarely undertaken, the proficiency of the officer to undertake the task can rely on the regular completion of said task. In some situations it is just more efficient in time and money to engage a consultant to deliver the task.

In situations where skills are rarely used they will generally decline. Consultants who regularly undertake a particular task will have a higher level of skill and efficiency than someone who undertakes the task only occasionally.

Where the task is a genuine 'one off' event, it can make better sense to engage a contractor with expertise in completing the same or similar tasks than to go to the expense of training a Council Officer to undertake the task only the once.

Is this a task requiring specialised equipment?

For some tasks there is a Council Officer that might be available to undertake the task but the task also require specialised equipment to be able to undertake it. Engaging a consultant in this situation saves Council having to acquire the specialist equipment and also having to train an officer to operate the equipment.

Does the task require independent objective analysis of the issues contained within the task?

There are some tasks where an independent objective analysis is required to provide a broader perspective on a particular problem or task. An example was the recent application to approve the engagement of a consultant to proof check bridge designs prepared by Council's Senior Engineer Construction. Another example might be where advice is sought about how a particular problem or task



has been managed in other locations before a decision is made on dealing with a similar problem or task within the Rural City of Wangaratta.

### Generally

The criteria above are used to determine whether the need exists to engage a consultant or not. The cost of engagement is used in deciding between consultants during the procurement process and whether to proceed with the appointment after consideration of the available budget provided for the works. Council Officers are well aware of the demands upon Council's scarce resources. Through its procurement processes, the focus is on providing best value for the community of the Rural City of Wangaratta. In some cases, best value is delivered through engaging a consultant for a particular task.

### Conclusion

It is believed that the criteria used by Council's management team to determine whether a consultant is engaged have been effective and provided good value for Council's operation.

**(Moved: Councillor J Fidge/Councillor P O'Brien)**

### Recommendation:

***That Council establish the criteria for the justification of engagement of external consultants.***

***Carried***

## **11.2.2 SUSTAINABILITY**

### **11.2.2.1 ADVERTISING SIGNS POLICY – AMENDMENT TO WANGARATTA PLANNING SCHEME**

Advertising Sign Policy

73.020.020

#### **Introduction**

This report seeks Council's authorisation to amend the Wangaratta Planning Scheme to include an Advertising Signs Policy in Council's Local Planning Policy Framework (LPPF)

#### **Background**

On 19 July 2011, Council considered two Planning Applications for the installation of two major promotion signs located on the northern and southern entrances to Wangaratta.

Council resolved to refuse both applications on the basis that the proposed signs were contrary to Council's Comprehensive Sign Policy as the signs were out of scale with development in the municipality and would contribute to the visual clutter with other event signage.

Council also resolved at the same meeting to amend the Planning Scheme to incorporate the Comprehensive Sign Policy into the LPPF.

#### **Victorian Civil and Administrative Tribunal (VCAT) Decision**

The applicant submitted an appeal to VCAT in July 2011 for both applications on the basis that the signs comply with the provisions of the Wangaratta Planning Scheme and that the Comprehensive Sign Policy is not part of the Planning Scheme.

Council's refusal of the proposed major promotion sign at Bowser Road was upheld by VCAT however the major promotion sign at Tone Road was approved. The Tone Road advertising structure was constructed at the end of 2012.

From both appeals VCAT identified that Council through Clause 52.05-6 of the planning scheme is seen to encourage major promotion signs in commercial and industrial locations where they complement and enhance the character of that area.

Clause 52.05-6 discourages major promotion signs in the following locations:

- forest and tourist routes;
- scenic routes;
- landscaped sections of the freeway;
- open space reserves; and
- waterway corridors.

VCAT did not support Council's Comprehensive Sign Policy and the draft provisions not to support signs that do not relate to the use or development of land on which they are to be located – i.e. third party advertising

### **Current Situation**

The Comprehensive Sign Policy is a Corporate Policy that was created in 2002 with the purpose of providing guidance for the display of all signs.

The policy is a document that has combined the following information to form a comprehensive volume:

- the Wangaratta Planning Scheme including specific detail for each type of advertising sign;
- the various types of road signs and how they are regulated and the various authorities and their involvement; and
- the Rural City of Wangaratta Community Amenity Local Law No.1 and signs on footpaths.

### **Issues**

While the Comprehensive Signs Policy provides a guide for all types of signs, including advertising signs, it has limited weight in terms of statutory planning and how it can be used to assess a Planning Application because it is not included in the Planning Scheme.

Through the recent VCAT decision reliance on this policy has been found not to be adequate to defend Council's decision. A draft policy has been prepared in light of the VCAT decisions with a view of including the document in the Local Planning Policy section of the Wangaratta Planning Scheme by formal amendment.

The main features of the draft policy include:

- the inclusion of small towns and villages within the policy;
- amendment to the decision guidelines to further strengthen Council's position not to support third party advertising;

- identification of the Central Activities Area (CAA), key tourist gateways to the City and major public tourist attractions – i.e. Rail Trail etc; and
- reinforcing the performance criteria where Council will not support promotion and major promotion signs.

The key planning elements of the existing Comprehensive Sign Policy have been used to form the Draft Advertising Signs Policy.

The chapters regarding approvals relating to road signs and signs regulated by the Local Law have not been included as they are not strictly planning matters that can be addressed or upheld by the Planning Scheme.

The next step to proceed for a Planning Scheme Amendment to include the proposed Draft Advertising Signs Policy (**refer attachment**) in the Wangaratta Planning Scheme is for Council to resolve to seek authorisation from the Minister for Planning to prepare the amendment.

***(Moved: Councillor P O'Brien/ T Atkins)***

**Recommendation:**

***That Council:***

- 1. adopt the Draft Advertising Signs Policy; and***
- 2. seek authorisation from the Minister for Planning to amend the Wangaratta Planning Scheme to incorporate the Draft Advertising Signs Policy in the Local Planning Policy Framework.***

***Carried***

11.2.2.2 **AGRICULTURE AND AGRIBUSINESS ADVISORY COMMITTEE**

Agriculture and Agribusiness Advisory Committee

25.070.006

**Introduction**

This report is to provide Council with the outcomes of the Agriculture and Agribusiness Advisory Committee (AAAC) in regards to the Wangaratta Saleyards upgrade.

**Background**

At its meeting, held on 19 February 2013, Council considered the appointment of a consultant to carry out investigations, design and develop cost estimates for the Livestock Selling Complex upgrade. Council resolved to:

*“defer the engagement of a consultant pending further information into the staging of the project”.*

The AAAC held a Special Meeting on Monday 4 March 2013 to discuss this approach and formalise a response to Council.

## **Issues**

The AAAC have developed three recommendations for Council to consider.

The Committee has recommended that Council:

1. *Adopt in principle the upgrade of the proposed structures at the Wangaratta Livestock Exchange. Consideration being:*
  - 1.1. *Roofing the Cattle and sheep section;*
  - 1.2. *Soft flooring material used and drainage;*
  - 1.3. *Yard configuration and additions:*
    - a. *internal yard pen panels made as gate to make pens a flow through for ease of maintenance, Pen one of the cattle yards has already been done for feedback and costing;*
    - b. *sheep yard section to be altered to cattle yards at least 40 extra selling pens;*
    - c. *re-configure the existing receive and loading out yards to make better use of; and*
    - d. *dirt yards to be improved so they can be used 12 months of the year (not only the dry months as at present) eg. drainage and/or roofing.*
2. *Seek expressions (engage) of interest from interested parties in (or appropriate people to design and provide estimate cost) providing designs and construction cost of the proposed structural works to the Wangaratta Livestock Exchange. That being:*
  - 2.1. *The roofing of the cattle and sheep section of the Wangaratta Livestock Exchange:*
    - a. *construct a roof over the above area in a cost effective manner to BCA standards;*
    - b. *acoustic compellability;*
    - c. *lighting;*
    - d. *water catchment and supplies in yards;*
    - e. *building and planning approvals;*
    - f. *dust suppressing;*
    - g. *having respect to the selling operations at the Exchange and minimises disruptions; and*
    - h. *all the above to be presented in a manner to support and clarify any application for public funds by RCOW.*
3. *include the following two items in the brief listed at recommendation 2:*
  - 3.1. *Clarify any need for drainage and the best material to be used, as the present floor is concrete;*
  - 3.2. *Yard configuration of cattle pens to be a flow-through as at Bairnsdale for on-going maintenance of flooring material. And additional cattle pens in the sheep yard side, realising that the Exchange is still registered as a sheep selling centre by AQUIS in the*

*QA program and that it is seen as a Sale yards NOT cattle yards and sheep yards.*

This recommendation from the Committee has broadly defined the scope of the upgrade project. The Committee also support the approach of further investigating, developing designs and cost estimates.

This phase is an essential step prior to:

- Deciding which components of the upgrade should proceed;
- The staging and timing of those components;
- Assessing the financial implementations of the upgrade on the Livestock Selling Complex Business Plan; and
- Preparing funding applications for Government programs.

### **Recommendation**

***That the recommendations of the Agriculture and Agribusiness Advisory Committee be adopted by Council***

***(Moved: Councillor P O'Brien/ J Fidge)***

***That Council:***

- 1. in principle, support upgrades to Wangaratta Livestock Exchange based on business requirements, funding and affordability;***
- 2. at its April 2013 meeting, review a Wangaratta Livestock Exchange Strategy;***
- 3. Consider in its 2013 Planning Process, the staging of the upgrades as follows:***
  - a) Roofing of cattle and sheep yards and the related elements of lighting, soft flooring, sprinkler system and water catchment;***
  - b) Additional 40 cattle pens; and***
  - c) Yard configuration changes to assist logistics, flow and ease of cleaning.***
- 4. Seek a design and construct cost estimate for items in 3(a) above. When cost estimate available, seek financial contributions from relevant Government agencies and provide a funding proposal to Council.***

***Carried***

### 11.2.2.3 ENGAGEMENT OF CONSULTANT FOR GLENROWAN BUSHFIRE INVESTIGATIONS

Consultant Engagement - Approval by Council

20.010.010

#### **Introduction**

In accordance with Council's resolution at the January 2013 Council meeting:

*'That Council review and decide upon the engagement of all external consultants except in emergencies for the next twelve months';*

approval is being sought to engage consultants to provide bushfire investigation services.

#### **Scope of Work**

Council received Bushfire Planning grant funding in June 2012 for \$60,000 to establish a Bushfire Advisory Service (\$30,000) over 3 years and a sum of \$30,000 for bushfire investigations associated with the Bushfire Management Overlay to support future Structure Planning for Glenrowan Township.

Council has engaged a bushfire consulting firm Terramatrix to provide Council with bushfire advisory services under the grant funding. This engagement was finalised in 2011. The grant funding for \$30,000 requires that Council have completed the Glenrowan bushfire investigations by 30 June 2013.

#### **Statement of Need**

The engagement of specialist bushfire consultants is required to finalise the investigations for Glenrowan and to comply with the conditions of the grant funding.

There is not an appropriately qualified or trained Council officer available to undertake this activity.

#### **Implications**

If Council does not engage the Consultant, the grant funding will be lost and Council will need to separately fund these investigations. This work is seen as critical to the future preparation of a Structure Plan for Glenrowan.

## **Conclusion**

Approval is sought to engage a consultant to undertake bushfire investigations for Glenrowan in accordance with Council's Purchasing Policy.

***(Moved: Councillor J Fidge/Councillor T Atkins)***

## **Recommendation:**

***That Council approve the engagement of consultants to undertake bushfire investigations for Glenrowan in accordance with Council's Purchasing Policy.***

**Carried**

### 11.2.2.4 ENGAGEMENT OF CONSULTANT - DPCD RURAL FLYING SQUAD – PREPARE AN AMENDMENT FOR SOUTH WANGARATTA URBAN RENEWAL STRATEGY MASTER PLAN

Consultant Engagement - Approval by Council

20.010.010

## **Introduction**

In accordance with Council's resolution at the January 2013 Council meeting:

*'That Council review and decide upon the engagement of all external consultants except in emergencies for the next twelve months';*

approval is being sought to engage consultants through the DPCD "Rural Flying Squad" to provide services to prepare and complete this amendment

## **Scope of Work**

Council resolved at its meeting on the 26 June 2012:

*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.*



An essential part of implementation of the Master plan is the preparation of a planning scheme amendment to:

- incorporate the recommendations of the South Wangaratta Urban Renewal Strategy into the Wangaratta Planning Scheme, and
- facilitate the necessary zoning and overlay changes to the key sites.

### **Statement of Need**

Department of Planning and Community Development (DPCD) have established a Rural Flying Squad to provide resources to assist Council's to complete planning scheme amendments. The Rural Flying Squad is fully funded by DPCD. Council have an agreement with DPCD that they hire consultants on our behalf or to do work for us at no cost to Council. The planning scheme amendment for the South Wangaratta Master plan is considered a priority to implementation of the Urban Renewal Strategy

### **Implications**

If Council does not seek additional resources to assist with the planning scheme amendment this strategy will continue to stall given the current resources. This will not only have an impact on the progress of the project it will also impact on future development of the key sites within South Wangaratta.

### **Conclusion**

Approval is sought for Council to engage the DPCD Rural Flying Squad to assist with this amendment process at no cost to Council.

***(Moved: Councillor J Fidge/Councillor N Amery)***

### **Recommendation:**

***That Council approve the engagement with the DPCD Rural Flying Squad to assist Council with the preparation of the amendment to the Wangaratta Planning Scheme to implement the endorsed South Wangaratta Urban Renewal Strategy Master Plan.***

***Carried***

### 11.2.2.5 ENGAGEMENT OF CONSULTANT – DPCD RURAL FLYING SQUAD – UPDATING OF LAND SUBJECT TO INNUNDATION OVERLAY (LSIO) KING RIVER AND TRIBUTARIES

Consultant Engagement - Approval by Council

20.010.010

*Councillor T Atkins left the room prior to consideration and voting of item 11.2.2.5 having previously declared a conflict of interest.*

#### **Introduction**

In accordance with Council's resolution at the January 2013 Council meeting:

*'That Council review and decide upon the engagement of all external consultants except in emergencies for the next twelve months';*

approval is being sought to engage consultants to provide through the DPCD "Rural Flying Squad" to provide services to prepare and complete this amendment

#### **Scope of Work**

Council in conjunction with the North East Catchment Management Authority undertook to update LSIO mapping for the King River and King River Tributaries in 2004. This work was completed to update the 2000 data currently used by Council. This updating work was not completed and an amendment to the Wangaratta Planning Scheme is required.

#### **Statement of Need**

DPCD have established a Rural Flying Squad to provide resources to assist Council's to complete planning scheme amendments. The Rural Flying Squad is fully funded by DPCD. Council have an agreement with DPCD that they hire consultants on our behalf or to do work for us at no cost to Council. The planning scheme amendment to update the LSIO is considered a priority. Council has received representations from landowners that are adversely affected by current flood overlays that form part of the Wangaratta Planning Scheme.

#### **Implications**

If Council does not seek additional resources to assist with the planning scheme amendment this has substantial implications for planning applications within areas that may be affected by flooding however are not identified under current mapping. Representations from the North East Catchment Management Authority have been made to Council concerning their previous recommendations to Council to update the LSIO information. Without additional resources this updating will continue to stall.

#### **Conclusion**

Approval is sought for Council to engage the DPCD Rural Flying Squad to assist with this amendment process at no cost to Council.

***(Moved: Councillor J Fidge/Councillor P O'Brien)***

### **Recommendation**

**That:**

- 1. Council approve the engagement with the DPCD Rural Flying Squad to assist Council with the preparation of the amendment to the Wangaratta Planning Scheme to implement the revised LSIO for the King Valley and King Valley Tributaries, and**
- 2. Council advise the North East Catchment Management Authority of its intention to prepare this amendment**

**Carried**

*Councillor Atkins returned to the room.*

#### **11.2.2.6 ENGAGEMENT OF CONSULTANT - CONFIGURATION OF CERTIFICATE SERVICES FOR MOBILE DEVICES CONNECTING TO THE CORPORATE NETWORK**

Consultant Engagement - Approval by Council

20.010.010

### **Introduction**

In accordance with Council's resolution at the January 2013 Council meeting:

*'That Council review and decide upon the engagement of all external consultants except in emergencies for the next twelve months';*

approval is being sought to engage consultants for the configuration of certificate services for mobile devices.

### **Scope of Work**

Last year Council installed a wireless network to allow for corporate wireless devices to connect to the corporate network. As part of the project, the consultants installed management software to control which devices can connect. In order to connect mobile devices such as tablets and smart phones to the same wireless network a configuration change needs to be made.

### **Statement of Need**

The supply and configuration of the wireless network was performed by CSA Pty Ltd who are specialists in the area and will be able to make this configuration change. The estimated cost will be between \$1,000 and \$2,000 is budgeted for with the operational budget.

Council officers do not have the expertise to perform this work as the skills associated have been rarely required in the past.

### **Implications**

This configuration will allow mobile devices to connect to our wireless network, reducing the cost of data download through the 3G network. Without the engagement of the consultant, mobile devices will not be able to be connected Council's wireless network.

### **Conclusion**

Approval is sought to engage CSA Pty Ltd to configure certificate services for mobile devices required to access Council's wireless network.

***(Moved: Councillor P O'Brien/Councillor T Atkins)***

### **Recommendation:**

***That Council approve the engagement of CSA Pty Ltd for consultancy services for the configuration of certificate services for mobile devices.***

***Carried***

#### 11.2.2.7 ENGAGEMENT OF A CONSULTANT TO PROVIDE PEST PLANT AND ANIMAL CONTROL COORDINATION AND MAPPING SERVICES

Consultant Engagement - Approval by Council

20.010.010

### **Introduction**

In accordance with Council's resolution at the January 2013 Council meeting:

*'That Council review and decide upon the engagement of all external consultants except in emergencies for the next twelve months'*

approval is sought to engage a consultant to provide Pest Plant and Animal Control Coordination and Mapping Services.

### **Scope of Work**

Council conducts weed and pest control to meet legislated responsibilities and improve natural conservation on Council managed land, often in sensitive environmental areas. The seasonal nature of this work creates peak periods when consultant assistance is needed to fulfil the works program.

### **Statement of Need**

Council has adopted a four year program for weed and pest control on rural roadsides, funded jointly with the State government. Other works conducted in rural areas are on the Rail Trail; on Council owned properties and specific weed control funded by VicRoads. The main weed and pest works have to be done in

spring, with the balance of works conducted in autumn. This results in periods of peak demand for the coordination and supervision of contractors beyond staff capacity. Coordinating such work needs expertise in habitat conservation, native vegetation and weed identification, contract management, weed control techniques, community liaison and weed mapping.

In 2011 consultants were invited through a quote process to register for supervision work and for field mapping work. This established approved consultants for 2 years, based on expertise and price. This has proved a successful approach for this purpose. It is proposed to again call for quotations for this work, to be valid for a period of 2 years.

The consultants provided about 400 hours of work per year, working part time and on an hourly basis in spring and autumn. The cost of consultant work for coordination and supervision is around \$26,000 per year in a program of about \$200,000 for on ground works throughout the municipality. This includes communication with Landcare groups and the public. There is also \$8000 of weed mapping work each year to assist location of weeds and monitoring programs.

### **Implications**

If consultant assistance was not available, Council would not be able to conduct the Council and State government grant funded roadside weed program. Other programs could only be conducted by Council staff at the expense of other projects and programmed works.

### **Conclusion**

Approval is sought to engage consultants to provide Pest Plant and Animal Control Coordination and Mapping Services in accordance with Council's Purchasing Policy.

### **Recommendation**

*That Council approve the engagement of consultants to provide Pest Plant and Animal Control Coordination and Mapping Services in accordance with Council's purchasing policy.*

***(Moved: Councillor N Amery/Councillor J Fidge)***

***That Council not approve the engagement of consultants to provide Pest Plant and Animal Control Coordination and Mapping Services in accordance with Council's purchasing policy.***

***Carried***

### 11.2.2.8 ENGAGEMENT OF CONSULTANT - ENERGY AND WATER AUDITS FOR COUNCIL BUILDINGS

Consultant Engagement - Approval by Council

20.010.010

#### **Introduction**

In accordance with Council's resolution at the January 2013 Council meeting:

*'That Council review and decide upon the engagement of all external consultants except in emergencies for the next twelve months'*

approval is sought to engage a consultant to conduct energy and water audits and assessments of certain Council buildings.

#### **Scope of Work**

A project is underway to audit and assess the energy and water performance of Council buildings. This project is funded by the State government with a grant from the Victorian Adaptation and Sustainability Partnership.

Audits will be conducted at the following Council buildings:

High Country Library (Dockers Street Wangaratta)	Energy Audit
Performing Arts Centre complex (PAC)	Energy & Water Audit
Wangaratta Indoor Sports and Aquatic Centre	Energy Audit
HP Barr Reserve Community Centre	Energy Audit

#### **Statement of Need**

The Commonwealth Energy Efficiency Program requires energy audits for the cogeneration and energy efficiency project at the Wangaratta Indoor Sports and Aquatic Centre and the HP Barr Reserve Community Centre.

This is a specialised field and Council will need to engage a suitably qualified consultant to complete the required audit and report. The work requires specialised software for data collection and thermal modelling. The budget is \$23,000 funded through the State Government grant.

#### **Implications**

It is a requirement of the grant agreements that the audits and assessments be conducted. This cannot be achieved without consultant assistance.

#### **Conclusion**

Approval is sought to engage a consultant to conduct energy and water audits and assessments in accordance with Council's Purchasing Policy.

***(Moved: Councillor J Fidge/Councillor P O'Brien)***

**Recommendation**

***That Council approve the engagement of consultants to conduct energy and water audits and assessments in accordance with Council's purchasing policy.***

***Carried***

## **11.2.3 COMMUNITY WELLBEING**

### **11.2.3.1 AUSPICE OF COMMUNITY RAFFLES 2013, 2014 and 2015**

Community Raffle

60.010.007

#### **Introduction**

This report requests Council's endorsement of the auspice organisation for the 2013, 2014 and 2015 Community Raffles (the Raffle).

#### **Background**

At the Council meeting held on 22 January 2013 Council made the following resolution:

“Endorse the proposed procedure and selection criteria outlined in this report and the attachments to undertake an Expression of Interest process to determine the auspice of the Community Raffle for the 2012/2013, 2013/2014 and 2014/2015 years, with an option of annual renewal for a further three years pending satisfactory performance and mutual agreement.”

Service clubs and community groups/organisations were invited to submit an Expression of Interest (EOI) to be the auspice body for the community fund raising event for the Raffle for the 2013, 2014 and 2015 years with an option of annual renewal for a further three years pending satisfactory performance and mutual agreement.

To conduct the Raffle on Council's behalf, organisations must be registered by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) as a community or charitable organisation.

The selection criteria for the EOI:

- appropriate community or charitable status and ability to obtain a raffle permit;
- adequate resources to fulfil proposed activities;
- capability to deliver the Raffle by required timeline; and capacity to enter into an Agreement with Council to auspice the Raffle for three years (2013 – 2015) with an option of annual renewal for a further three years pending satisfactory performance and mutual agreement; and
- capacity and acceptance to abide by the condition of conducting a raffle set be the VCGLR.



## **Issues**

There were six enquiries made to Council by community groups with only one group, the Jubilee Golf Club Inc., submitting an expression of interest.

The Jubilee Golf Club Inc. holds the appropriate community or charitable status with VCGLR and will be able to obtain a permit for the Raffle. The Club has indicated that they have appropriate capacity and resources to meet the Raffle requirements.

Jubilee Golf Club Inc. is required to enter into an agreement with Council and a draft memorandum of understanding is attached to this report (***refer attachment***).

## **Implications**

### **Council Plan Outcomes**

Support a Community Raffle or similar concept to provide the opportunity for community groups to raise funds.

### **Sustainability**

In order for a community group to conduct the Raffle it will need to determine through the VCGLR that they are eligible to register to provide a Major Raffle.

It is acknowledged that although it is expected that the work undertaken by the auspice of the Raffle is voluntary, an offer was provided for there to be a donation to that group. The Jubilee Golf Club has requested that an amount of \$3000 per annum be donated to a project determined by the club each year.

### **Community Engagement**

The community groups and the broader community have made several enquiries as to whether the Raffle is to be run this year. The Raffle is well supported by the community which has generated this interest.

Should Council endorse the recommendation, further correspondence and a media release will be provided to inform the community.

## **Conclusion**

Jubilee Golf Club Inc. has a membership of 300 and has a strong commitment to voluntary projects. The Raffle receives strong support from business and the general community and is recognised as a significant benefit for the community.

Determining that Jubilee Golf Club Inc. is to auspice the Raffle will provide an opportunity for Council to work with this organisation to raise a significant amount of funding for the local community.

***(Moved: Councillor J Fidge/Councillor P O'Brien)***

### **Recommendation**

***That Council:***

- 1. Endorse the Jubilee Golf Club Inc. as the auspice of the Community Raffle for the 2012/2013, 2013/2014 and 2014/2015 years, with an option of annual renewal for a further three years pending satisfactory performance and mutual agreement;***
- 2. Endorse a Memorandum of Understanding to be entered into with the Jubilee Golf Club Incorporated; and***
- 3. Donate an amount of \$3,000 from the 2012/2013 Budget allocation to the Jubilee Golf Club to contribute towards the installation of a Solar Photovoltaic System.***

***Carried***

### **Communication**

Jubilee Golf Club Inc. will be advised of Council's decision and the agreement will be developed and implemented to enable the 2012/2013 Community Raffle to proceed according to timelines to achieve the drawing of the Raffle to take place at the 2013 Carols By Candlelight event.

Service clubs, community groups/organisations and the broader community will be advised of Council's decision.

#### **11.2.3.2 OCCASIONAL CHILDCARE IN WANGARATTA NEIGHBOURHOOD HOUSES**

Family Day Care/Administration

64.090.001

### **Introduction**

There are currently six community groups within the Rural City of Wangaratta who have provided Occasional Childcare (OC) to the community:

- Pangerang Community House;
- Open Door Neighbourhood House;
- Whitfield Occasional Child Care;
- Moyhu Occasional Care;
- Glenrowan Occasional Care; and
- YMCA Victoria at the WISAC facility

Four of these organisations have been negatively impacted by Federal and State government funding cuts to OC programs. Currently, Open Door and Pangerang are committed to the maintenance of the OC program through to 30 June 2013. The other four have become reliant on the community to subsidise the service through fees and extensive fundraising.

### **Background**

In early 2011, Council was contacted by the Open Door Neighbourhood House and Pangerang Neighbourhood House advising that the funding they had received for the delivery of OC was to discontinue in December 2011. Assistance was requested to have the funding reinstated and look at alternative funding which included the potential of Council providing funds for the service.

Council Officers met with representatives of both Neighbourhood Houses to understand the issues and implications of the decision by the Federal and Victorian State Governments to remove this funding. From this meeting work was undertaken to determine whether there was an opportunity to integrate the OC with Council's Children's Services. After some consideration it was clear that there would be insufficient room to accommodate this service at the Wangaratta Children's Services Centre and no ability to utilise Council's existing budget to fund any additional support to the community in replacement of the OC.

OC offers parents an affordable and flexible child care solution to enable work, study, appointments attendance, participation in volunteer work, shopping or just "time out" from the demands of young children. OC enables economic and social participation for parents as well as promoting family and particularly, women's health and wellbeing. In addition, it facilitates training and skills development and pathways to broader community engagement.

The following table details grant funded OC services currently offered by the services:-

<b>Occasional Childcare offered</b>	<b>Open Door</b>	<b>Pangerang</b>	<b>Whitfield</b>	<b>Moyhu</b>
Maximum children per day	14	10	15	15
Days operating	Tue, Wed & Fri	Mon, Wed, Thu, Fri	Thursday	Friday
Hours open	9.00 am – 1.00 pm	9.15am – 12.15pm	9.00am – 3.45pm	9.00am – 2.00pm
Cost	\$5.00 per hour	\$20 per session	\$20 per session (approx.)	\$5.00 per hour (approx.)
Places per week	42	40	15	15
Number of families using service	30	37	15 (approx.)	15 (approx.)
Operating cost pa	\$34,000	\$35,000	\$35,063	\$20,000

<b>Occasional Childcare offered</b>	<b>Open Door</b>	<b>Pangerang</b>	<b>Whitfield</b>	<b>Moyhu</b>
(wages)				
<b>Income Take-a-break Funding (Now removed)</b>	\$6,228.27	\$8,698.70	\$6,958.96	\$3,479.48

Glenrowan and YMCA Victoria OC Programs have not received 'Take a Break' grant funding previously, due to insufficient funds available from the Government.

### **Issues**

The shortfall in funding for OC now sees both the Pangerang Community House and Open Doors Neighbourhood House running at a loss in excess of \$6,000 to \$9,000 per annum. This is unsustainable and will see the closure of both OC programs without ongoing assistance and/or restructure of funding arrangements. Other services are in a similar situation.

Whitfield and Moyhu are being sustained through increased fees and fundraising activity.

The funding cuts from the Victorian Government are related to the "Take a Break" subsidy program which officially ceased on 31 December 2011. This followed the Federal Government withdrawal of 70% of funding for OC programs. Local fund raising has allowed the services to continue in the interim but they will not be sustainable.

All services must comply with Department of Education and Early Childhood Development (DEECD) regulations regarding the care of children, which includes ensuring the staff supervising the children have relevant qualifications. It should be noted that DEECD does not provide any funding for these programs.

A review of OC funding, commissioned by DEECD, was completed by KPMG in February 2011. This report was the catalyst for the Victorian Government to cut funding for the "Take a Break" program. The report found that:

- OC programs generally have difficulty managing staffing numbers and child mix requirements which adversely impact financial viability;
- OC services are poorly equipped to manage fee changes; and
- Based on 2010 data collection:
  - 66% of providers had unmet demand for OC services
  - 59% of OC services had waiting lists
  - Nationally 55% of OC providers reported a growing demand for OC services

The above indicates inefficiencies within the OC system. It also reveals a growing demand for this type of service which, in part, reflects the growth in employer demands for casual/shift workers.

### **Implications**

Council has previously made representation to the Hon. Wendy Lovell, Minister for Children and Early Childhood, regarding concerns for the reduction in funding for a service with demand and reliance by the Community. A letter of response was received re-emphasising the decision made by the State Government to reduce funding.

Options have been examined for Council to provide this service from the Wangaratta Children's Services Centre, however there is insufficient room or resources available.

### **Conclusion**

It is most unfortunate that despite demonstrated need, lobbying by both Council and the Neighbourhood House representatives, the Victorian Government is not going to reconsider their decision.

The provision of Occasional Child Care is a responsibility of the State and Federal Governments and therefore it is suggested Council should not consider funding this activity. There have been a range of other examples where the State and Federal levels of Government have withdrawn or reduced funding and expected Local Government to fund the activity.

### **Recommendation**

***That Council advocate for increased funding to enable the Open Door and Pangerang Neighbourhood Houses to continue to provide an Occasional Childcare service.***

***(Moved: Councillor J Fidge/Councillor P O'Brien)***

***That Council:***

- 1. advocate for increased funding to enable the Open Door and Pangerang Neighbourhood Houses to continue to provide an Occasional Childcare service.***
- 2. Provide \$6,000 each to Pangerang and Open Door Neighbourhood Houses to allow them to continue to provide occasional childcare.***

***Councillor T Atkins moved an amendment to include the words “one off” in the second part of the recommendation.***

***Seconded by Councillor N Amery and Carried.***

***The Amendment became the motion, was put and Carried.***

***That Council:***

- 1. advocate for increased funding to enable the Open Door and Pangerang Neighbourhood Houses to continue to provide an Occasional Childcare service.***
- 2. Provide \$6,000 each to Pangerang and Open Door Neighbourhood Houses as one-off funding to allow them to continue to provide occasional childcare.***

***Carried***

### **11.2.3.3 YOUTH COUNCIL ADVISORY COMMITTEE CHARTER**

Youth Council

10.020.010

#### **Introduction**

The purpose of this report is to provide Council with a recommendation from the Youth Council Advisory Committee that the term of all Youth Councillors be extended to be up to two years.

#### **Background**

The 2012/13 Youth Council has made the following recommendation from the meeting held on 30 January 2013:

*‘That the current endorsed Youth Councillors are given the opportunity to extend their Youth Council term for a further 12 months with a maximum of two years and that the Youth Council Charter is changed to represent this’.*

## **Issues**

The proposed change to the Charter would provide Youth Councillors with the ability to continue for a period of up to twenty four months. The reasons provided for this are:

- To allow more time for Youth Councillors to achieve initiatives and goals set out by Youth Council; and
- Improving opportunities for mentoring between continuing and new Youth Councillors.

One of the main purposes of Youth Council is to provide young people with the opportunity to develop leadership skills. If the proposed changes are made and most, if not all, Youth Councillors take the opportunity to remain on Youth Council for two years, this could reduce opportunities for other young people to be involved.

## **Implications**

### **Council Plan Outcomes**

The Youth Council program realises Council's key strategic activity, 'to promote and support youth leadership by engaging young people and strengthening their involvement in the community'.

### **Community Engagement**

Through the Youth Council program, young people are given opportunities to represent their peers, to become involved in community activities, to gain a wider understanding of community issues and to enhance their leadership skills.

The program is strongly supported by the local secondary schools, youth agencies and the wider community.

## **Conclusion**

As a consequence of the recommendation from the Youth Council Advisory Committee it is proposed that this issue be considered as part of the review of Council's Advisory Committees.

***(Moved: Councillor J Fidge/Councillor T Atkins)***

## **Recommendation:**

***That the recommendations by the Youth Council to extend the term of Youth Councillors be referred to and addressed as part of the review of Council's Advisory Committees.***

***Carried***

#### 11.2.3.4 ENGAGEMENT OF CONSULTANT TO UNDERTAKE A REVIEW OF COUNCIL'S ACCESS AND INCLUSION PLAN

Consultant Engagement - Approval by Council

20.010.010

##### **Introduction**

In accordance with Council's resolution at the January 2013 Council meeting:

*'That Council review and decide upon the engagement of all external consultants except in emergencies for the next twelve months',*

approval is sought to engage a consultant to undertake a review of Council's Access and Inclusion Plan.

##### **Scope of Works**

A review of Council's Disability Action Plan is required to determine what progress has been achieved and develop a new Plan with future actions to continue to achieve the objectives of the Disability Discrimination Act.

Council's current Disability Action Plan was adopted in December 2009.

##### **Statement of Need**

The Disability Discrimination Act (1992) requires all government agencies, including Councils, to actively remove discrimination on the basis of disability. One of the strategies used to achieve this is the development and implementation of a Disability Action Plan (or its equivalent). The requirement to develop these plans was made mandatory by the development of the Disability Act 2006 in Victoria. To comply, Council is required to review their Plan every three years and then register their Disability Action Plan (or equivalent) with the Human Rights and Equal Opportunity Commission.

There is insufficient time available for a Council Officer to review Council's Access and Inclusion Plan and there is not an appropriately qualified and trained Council Officer available to undertake this activity.

The estimated total cost of the service is \$15,000 this will be funded by a grant of \$11,000 received from the Department of Human Services and \$4,000 from the existing 12/13 Council budget.

##### **Implications**

An independent, objective review of the Access and Inclusion Plan is required to be undertaken to ensure ongoing compliance with legislation.

If the Access and Inclusion Plan is not appropriately reviewed and redeveloped the standard may not meet the requirements of the Human Rights and Equal Opportunity Commission.



## **Conclusion**

The Access and Inclusion Plan is an important strategic document for Council and affects the practises of all areas across Council's operations.

*(Moved: Councillor D Joyce/Councillor P O'Brien)*

## **Recommendation:**

***That Council approve the engagement of an appropriately qualified and experienced consultant for the review of Council's Access and Inclusion Plan in accordance with Council's Purchasing Policy.***

***Carried***

### **11.2.3.5 ENGAGEMENT OF CONSULTANT FOR GRAPHIC DESIGN FOR YOUTH EVENTS AND ACTIVITIES**

Consultant Engagement - Approval by Council

20.010.010

## **Introduction**

In accordance with Council's resolution at the January 2013 Council meeting:

*'That Council review and decide upon the engagement of all external consultants except in emergencies for the next twelve months',*

approval is being sought to engage consultants to provide graphic design for upcoming youth events and activities.

## **Scope of Work**

Graphic design works are required for various youth events and activities for the effective promotion of these events.

## **Statement of Need**

Youth events are important for engaging local young people to socialise, learn and connect. As well as providing 'fun activities', the events are used to provide development opportunities, examples being in all aspects of event management including specialised graphic art. There are no appropriately skilled Council Officers to undertake the standard of the graphic design work desired.

The costs for graphic design work will each range between \$50 and \$100 for each poster and it is anticipated that there will be between 5 – 7 posters designed up until December 2013. All costs for this graphic design work will be provided by external grants from the State Government FReeZA and National Youth Week programs.

### **Implications**

It is important as a mechanism of engagement, to present smart and interactive posters to advertise upcoming youth events. Experience has demonstrated that young people pay more attention to material that has been well designed and they see as being relevant. Professionally designed promotional material is required to effectively promote and engage young people to participate in youth events and activities.

### **Conclusion**

The Rural City of Wangaratta has a reputation of providing successful and safe events for young people. The approach taken to involve young people in the activities that are part of the event has proven to be highly successful and it has been demonstrated that there are young people in our community with the required talent, to provide the design skills required.

***(Moved: Councillor N Amery/Councillor T Atkins)***

### **Recommendation**

***That Council approve the engagement of consultants to undertake graphic design works for upcoming youth events and activities in accordance with Council's Purchasing Policy.***

***Carried***

#### **11.2.3.6 ENGAGEMENT OF CONSULTANT FOR WHOROUPLY RECREATION RESERVE CHANGEROOM REDEVELOPMENT PROJECT**

Consultant Engagement - Approval by Council

20.010.010

### **Introduction**

In accordance with Council's resolution at the January 2013 Council meeting:

*'That Council review and decide upon the engagement of all external consultants except in emergencies for the next twelve months',*

approval is sought to engage a consultant to provide quantity surveyor cost estimates for the Whorouly Recreation Reserve Changeroom Redevelopment Project.

### **Scope of Work**

Development of quantity surveyor's cost estimates as a report in hard copy and electronic format.

### **Statement of Need**

The development of Quantity Surveyor cost estimates is required as a condition of the grant application. There is not an appropriately qualified Council officer to undertake this activity.

The estimated cost of this work is \$5,000 which will be a part of the overall project cost and has an allocation in Council's 2012/2013 budget.

### **Implications**

If the engagement of a consultant is not approved then the funding opportunities through state and federal governments will be jeopardised as timelines and assessment criteria will be unable to be met. A requirement of funding is that there be Quantity Surveyor's cost estimates.

### **Conclusion**

A significant amount of work has been undertaken with community stakeholders which has raised an expectation that Council will proceed with an application to support the development of the Whorouly Changeroom facilities.

***(Moved: Councillor D Joyce/Councillor T Atkins)***

### **Recommendation:**

***That Council approve the engagement of a consultant to provide a quantity surveyor report for the Whorouly Recreation Reserve Changeroom Redevelopment Project in accordance with Council's Purchasing Policy.***

***Councillor P O'Brien moved 'that the matter lay on the table'.***

***Councillor T Atkins raised a Point of Order – the mover of a formal motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it.***

***The Chair upheld the Point of Order.***

***Councillor J Fidge moved 'that the matter lay on the table'.***

***Councillor Fidge's motion was put to the vote.***

***The vote was tied and the motion was Lost on the second vote of the Mayor.***

***The original motion was put and voting was tied. The motion was Carried on the second vote of the Mayor.***

**11.2.4 INFRASTRUCTURE SERVICES**

**11.2.4.1 BELLA WAY/ CRUSE STREET ROAD NAMING**

Place/Road Naming

73.020.014

**Introduction**

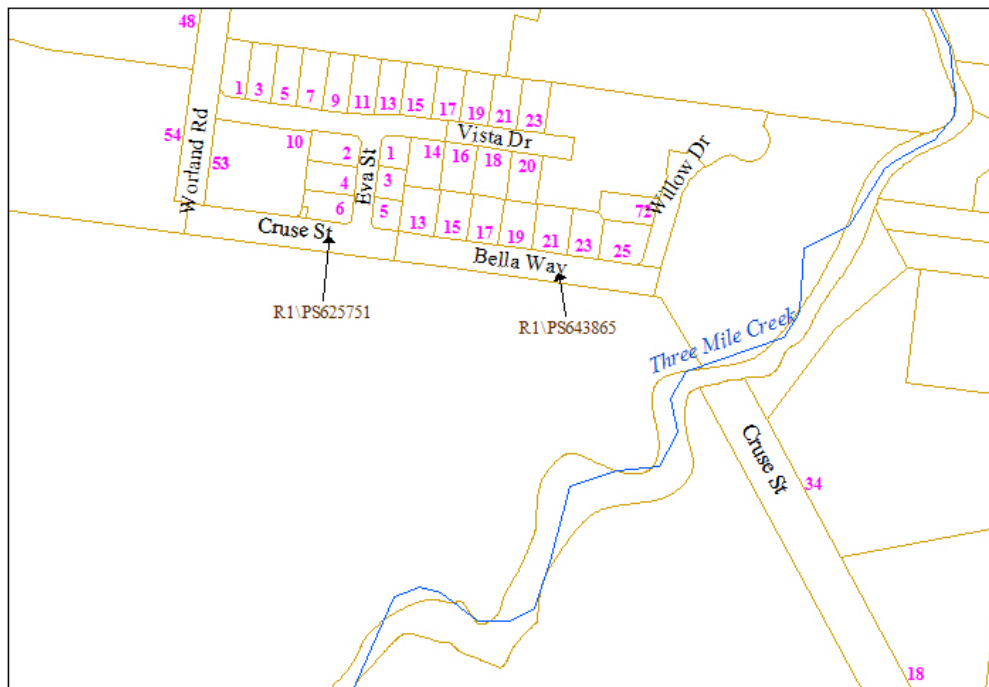
This report details an anomaly that has occurred where a subdivision was considered by the Place Naming Committee at its second stage; a road running through the two stages was inadvertently given two names.

**Background**

At the Place Naming Committee meeting on Wednesday 13 April 2011, alternate road names for Cruse Street, Wangaratta were discussed and provided to Council’s Planning unit for use by the Bella Vista Estate developer. Alternative names suggested were Bella Way, Law Way and Law Road.

Plan of Subdivision PS643865 when received shows the road way to the south of the subdivision as Bella Way and Cruse St to the west, refer PS643865. The adjoining and earlier subdivision PS625751, shows the road way between Worland Road and the end of Lot R1 on the plan as Cruse Street, refer PS625751 (refer map below).

The Worland Road, Bella Vista Estate subdivision is a staged development. The Planning Permit Statement of Compliance dates for PS625751 is 11 November 2010 and PS643865 is 21 December 2011.



## **Issues**

The road reserve between Worland Road and Willow Drive as shown on the above map is currently named in 2 parts, Cruse Street and Bella Way. Cruse Street also exists on the eastern side of Three Mile Creek and is not continuous with the Cruse Street to the North West. The Street numbering for Bella Way commences at Worland Rd on the assumption and understanding that Bella Way commences at Worland Road.

The Place Naming Committee considered the issue at its meeting held on 20 February 2013.

For clear and unambiguous street numbering there should be a single road name between Worland Rd and Willow Drive. It is therefore recommended the western section of Cruse Street between Worland Road and Willow Drive be named Bella Way as intended.

## **Implications**

### **Council Plan Outcomes**

This action is in keeping 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**

There are currently no properties addressed off the western section of Cruse Street (refer map above). Therefore no ratepayers will be affected by the road name change.

## **Conclusion**

The Place Naming Committee recommends that the western section of Cruse Street between Worland Road and Willow Drive be named Bella Way.

***(Moved: Councillor N Amery/Councillor J Fidge)***

## **Recommendation:**

***That Council advertise its intention to rename the western section of Cruse Street between Worland Road and Willow Drive as "Bella Way".***

***Carried***

## **Communication**

Advertisements will be placed in the Wangaratta Chronicle and on Council's website and letters will be sent to affected landholders seeking feedback on the proposal.

#### 11.2.4.2 360 LITRE RECYCLING BIN TRIAL

Waste Management

72.020.015

##### **Introduction**

NevRwaste have been successful in attracting funding for a 360 litre recycling bin trial in Wangaratta and Benalla. The trial is aimed at assessing whether access to a larger recycling bin will see greater diversion of recyclables from landfill.

##### **Background**

Council is currently seeking feedback from the community on its Draft Waste Management Strategy. The strategy proposes that 360 litre recycling bins be provided to households with four or more occupants.

The trial being run by NevRwaste is seen as an opportunity to validate the strategic direction within the strategy regarding increasing the diversion of recyclables from the waste stream.

Council's participation in this trial involves communication with the households in the trial area and the delivery of the bins to the participating residences.

##### **Issues**

Council is in communication with households in the trial area regarding the impending trial. The target households for the trial are those with families however, all households have been given the option of participating or not. The advantage to the household is that they will be able to retain the 360 litre bin once the trial is completed should they wish.

##### **Implications**

The five hundred 360 litre bins provided for the trial are retained by Council. It is proposed that those households who wish to retain the bin after the trial will be able to do so. Any bins left over will be available for Council to distribute how it wishes. For Council to purchase these bins the cost would have been just under \$35,000.

##### **Conclusion**

The trial is planned to commence the week before Easter and run for 6 to 8 weeks. The 360 litre bins will be delivered to the participating households on the weekend of the 23 and 24 of March 2013.

***(Moved: Councillor J Fidge/Councillor N Amery)***

##### **Recommendation:**

***That the report be noted.***

***Carried***

### 11.2.4.3 SAFETY IMPROVEMENTS AROUND THE EVERTON CENOTAPH

Historical Buildings, Monuments

10.040.003

#### **Preamble**

At the February Council meeting, the report - 11.2.4.3 SAFETY IMPROVEMENTS AROUND THE EVERTON CENOTAPH - was presented to Council for consideration. Council resolved:

*'That report 11.2.4.3 lay on the table pending further communication with the Everton community'.*

Further communication has been held with the Everton community with a meeting held with the community on 7 March 2013 at the Everton Hall and the results of the survey undertaken by the Everton Streetscape Committee being known.

For consideration of this matter to proceed, Council is asked to resolve the following motion:

That the matter being the subject of report 11.2.4.3, presented at the 19 February 2013 Council meeting, be taken from the table and considered.

#### **Introduction**

This report is to advise Council of the outcome of discussions with the Everton Community at a community meeting and a survey undertaken by the Everton Streetscape Committee.

The communication with the community was in response to the resolution of Council to lay the report - 11.2.4.3 (SAFETY IMPROVEMENTS AROUND THE EVERTON CENOTAPH) - on the table pending further communication with the Everton Community

#### **Background**

At the Council Meeting held on the 20 November 2012, the Everton and Everton Upper Community plan was presented to Council. The officer's recommendation was amended by Council through the addition of point 3. The amended motion that was put and carried is as follows:

*'That Council:*

- 1. receive the reviewed Everton and Everton Upper Community Plan as presented to Council;*
- 2. note that these are community plans which are endorsed by Council and that Council is one of a number of stakeholders who have a role in actioning them;*



3. *erect bollards along the southern and eastern sides of the Cenotaph as a matter of urgency in order to prevent a motor vehicle accident.'*

At the February Council meeting a report was presented on the progress toward the implementation of the third item in the resolution and Council resolved:

*'That report 11.2.4.3 lay on the table pending further communication with the Everton community.'*

The Everton Streetscape Committee has undertaken a survey to establish the community's thoughts on whether the relocation of the Cenotaph would be acceptable. The results of the survey have now been provided.

A meeting was held at the Everton Memorial Hall on 7 March 2013 to discuss the issues of traffic management around the Cenotaph.

### **Issues**

Currently, there is a resolution of Council to erect bollards along the southern and eastern side of the Cenotaph. Discussions have taken place with VicRoads on the particular type of bollard that they would approve for installation within the road reserve of the Great Alpine Road in this location.

As a consequence of the resolution to have the report lay on the table pending further communication with the Everton Community, the purchase and installation of the bollards has not been progressed.

The Everton Streetscape Committee survey of the community views in relation to the possible solutions to the issue around the Cenotaph provided 24 responses. Of these 16 referred to the Cenotaph. Three quarters of the responders want the Cenotaph to remain in its current location.

The meeting with the community discussed the options for delineating the areas where cars can travel and where they cannot. This can be achieved using bollards or kerb and channel. The idea of kerb and channel is one that the community believed should be explored further before any action is taken at the site.

Secondly to address the issue of the lack of a 3 metre 'clear zone' the community response favoured realigning White Post Road to create the necessary clearance required under the VicRoads standards.

### **Implications**

#### **Council Plan Outcomes**

Plan for and provide infrastructure appropriate to the community's needs.

The Council resolution requires the installation of bollards to take place to prevent a motor vehicle accident. For Council to pursue the realignment of White Post Road, the resolution regarding the bollards will need to be rescinded.

### Financial Implications

The estimated cost to install as many as 20 ‘Omni Stop Bollards’ is as much as \$100,000. There is no budget allocation for these works in the 2012-2013 Capital budget and other projects would need to be deferred to undertake these works.

If Council determines to pursue the realignment of White Post Road, the preliminary work to complete a design and estimate will take time. This will allow for the project to be considered for inclusion in the 2013-2014 Capital Works budget. The preliminary estimate for the realignment works in White Post Road is \$60,000.

### Community Engagement

The survey undertaken by the Everton Streetscape Committee showed the community wishes the Cenotaph to remain in its current location.

The community meeting indicated a preference for realigning White Post Road away from the Cenotaph.

Should Council decide to pursue the realignment of White Post Road, a further meeting will be held with the Everton community to obtain their feedback on the proposed works before the design is finalised.

### Conclusion

Community consultation favours realignment of White Post Road to achieve the outcome of improving safety around the Everton Cenotaph. In order for this to be achieved, the resolution to ‘*erect bollards along the southern and eastern sides of the Cenotaph as a matter of urgency in order to prevent a motor vehicle accident*’ made at the November 2012 Council meeting would need to be rescinded.

### Recommendation:

***That Council either:***

- 1. Confirm its original decision to ‘erect bollards along the southern and eastern sides of the Cenotaph as a matter of urgency in order to prevent a motor vehicle accident’; or;***
- 2. Take steps to rescind its original decision to ‘erect bollards along the southern and eastern sides of the Cenotaph as a matter of urgency in order to prevent a motor vehicle accident’ and pursue the realignment of White Post Road as identified in this report.***

**(Moved: Councillor J Fidge/Councillor P O'Brien)**

**That Council place:**

- **1 bollard on the southern side;**
  - **1 bollard on the Eastern side; and**
  - **1 bollard on the South Eastern corner;**
- of the Cenotaph.**

**The motion was put and the voting was tied. The motion was Lost on the second vote of the Mayor.**

**(Moved: Councillor T Atkins/Councillor D Joyce)**

- 1. That Council take steps to rescind its original decision to 'erect bollards along the southern and eastern sides of the Cenotaph as a matter of urgency in order to prevent a motor vehicle accident' and pursue the realignment of White Post Road as identified in this report.**

**The motion was put and the voting was tied. The motion was Carried on the second vote of the Mayor.**

#### **11.2.4.4 ENGAGEMENT OF CONSULTANT FOR A BATHYMETRIC SURVEY**

Consultant Engagement - Approval by Council

20.010.010

*Councillor T Atkins left the room prior to consideration and voting of item 11.2.2.5 having previously declared a conflict of interest.*

#### **Introduction**

In accordance with Council's resolution at the January 2013 Council meeting:

*'That Council review and decide upon the engagement of all external consultants except in emergencies for the next twelve months',*

approval is being sought to engage consultants to undertake a bathymetric survey.

#### **Scope of Work**

There are signs that the erosion of the bank of the Ovens River at the end of Evans Street may soon threaten Council's infrastructure. Funds have been provided in the 2012-13 Budget to commence an investigation into the determination and feasibility of measures to control the erosion.

### **Statement of Need**

A bathymetric survey of the river in the vicinity of the end of Evans Street is required to determine the shape and depth of the river bed to allow alternative solutions for erosion control to be evaluated and for the most cost effective response to be determined. The estimated cost of the survey is between \$5,000 and \$10,000.

There is not an appropriately qualified or trained Council officer available to undertake this activity.

### **Implications**

If Council does not engage the Consultant, it will be difficult to determine the appropriate solution to respond to the problems caused by the erosion and it will likely continue unabated with the associated risk to Council's infrastructure adjacent to the river bank.

### **Conclusion**

Approval is sought to engage consultants to undertake a bathymetric survey in accordance with Council's Purchasing Policy.

### **Recommendation:**

*That Council approve the engagement of consultants to undertake a bathymetric survey in accordance with Council's Purchasing Policy.*

***(Moved Councillor N Amery/Councillor J Fidge)***

***That Council does not approve the engagement of consultants to undertake a bathymetric survey in accordance with Council's Purchasing Policy.'***

***Lost.***

***(Moved: Councillor D Joyce/Councillor P O'Brien)***

***That Council approve the engagement of consultants to undertake a bathymetric survey in accordance with Council's Purchasing Policy.***

***Carried***

*Councillor Atkins returned to the room.*

#### 11.2.4.5 ENGAGEMENT OF CONSULTANT FOR INSPECTION OF FOOTPATHS

Consultant Engagement - Approval by Council

20.010.010

##### **Introduction**

In accordance with Council's resolution at the January 2013 Council meeting:

*'That Council review and decide upon the engagement of all external consultants except in emergencies for the next twelve months'*

approval is sought to engage a consultant to undertake the inspection of its high priority classified footpaths and shared paths.

##### **Scope of Work**

In accordance with the requirements of Council's Road Management Plan, a physical inspection for defects on footpath and shared path segments within Council's 'high risk classification area' is required to be undertaken on an annual basis.

##### **Statement of Need**

A consultant engaged to physically inspect all foot paths and shared path segments defined within Council's high risk classification area will also use specialist software, CCTV, digital imagery and GPS to capture all required information and relevant asset attributes.

The additional data provided through the consultant service assists Council in determining its liability should it be subjected to a trip related claim. Through the use of a specially equipped quad bike, the data is also more efficiently collected and useful than if a Council officer was to walk the high risk footpaths themselves and take photos of the defects. These are budgeted works and estimated to cost in the order of \$16,000.

##### **Implications**

The inspection of the high risk footpaths and shared paths for defects is a requirement of Council's Road Management Plan. To fail to undertake them would see Council exposed to risk should an incident occur and in breach of Council's Road Management Plan.

##### **Conclusion**

Approval is sought to engage consultants to undertake the inspection of its high priority classified footpaths and shared paths in accordance with Council's Purchasing Policy.

***(Moved: Councillor J Fidge/Councillor N Amery)***

### **Recommendation**

***That Council approve the engagement of consultants to undertake the inspection of its high priority classified footpaths and shared paths in accordance with Council's Purchasing Policy.***

***Carried***

#### 11.2.4.6 ENGAGEMENT OF CONSULTANT TO ASSESS THE SUITABILITY OF USING BIO-SOLID WASTE IN LANDFILL CAP

Consultant Engagement - Approval by Council

20.010.010

### **Introduction**

In accordance with Council's resolution at the January 2013 Council meeting:

*'That Council review and decide upon the engagement of all external consultants except in emergencies for the next twelve months',*

approval is sought to engage consultants to assess the suitability of using bio-solid waste in landfill cap at Bowser.

### **Scope of Work**

Bruck Industries and North East Water have approached Council regarding the disposal of a significant amount of bio-solid waste stockpiled at the South Wangaratta Trade Wastewater treatment plant. There is an opportunity for Council, if the material proves suitable, to make use of the material in rehabilitation works on the Bowser Landfill site.

### **Statement of Need**

EPA approval of the use of this material is conditional on the assessment by an environmental auditor on whether the bio-solid waste material would be suitable for use in rehabilitation works at the Bowser landfill.

These works are estimated to cost between \$20,000 and \$30,000 and will be funded from the Bowser East Rehabilitation project.

There is not an appropriately qualified or trained Council officer available to undertake this activity.

### **Implications**

If an environmental auditor does not provide a report supporting the use of the bio-solid wastes then Council will not be able to use them in landfill capping at Bowser landfill.

Being able to use the biosolids within a landfill cap system will save Council money in capping material and also provide an environmentally beneficial means of disposal for the companies who produce the material.

### **Conclusion**

Approval is sought to engage consultants to assess the suitability of using bio-solid waste in landfill cap at Bowser in accordance with Council's Purchasing Policy.

***(Moved: Councillor J Fidge/Councillor P O'Brien)***

### **Recommendation**

***That Council approve the engagement of consultants to assess the suitability of using bio-solid waste in landfill cap at Bowser in accordance with Council's Purchasing Policy.***

***Carried***

#### 11.2.4.7 ENGAGEMENT OF CONSULTANT FOR THE ASSESSMENT OF PROPOSED WORKS ON OVENS RIVERBANK

Consultant Engagement - Approval by Council

20.010.010

*Councillor T Atkins left the room prior to consideration and voting of item 11.2.2.5 having previously declared a conflict of interest.*

### **Introduction**

In accordance with Council's resolution at the January 2013 Council meeting:

*'That Council review and decide upon the engagement of all external consultants except in emergencies for the next twelve months',*

approval is sought to engage consultants for the assessment of proposed works on the Ovens Riverbank.

### **Scope of Work**

Council is currently constructing the Riverside project along the Ovens River. A consideration of the project is to look at the northern bank of the river in Apex Park with a view of grading the bank toward the river to make the water more accessible to the general public.

### **Statement of Need**

To assess the feasibility of the project, advice from a geotechnical engineer may be required on methods to stabilise the bank which will be inundated during times of high river flows.

These works are estimated to cost between \$5,000 and \$10,000 and will be funded from the Ovens Riverside project.

There is not an appropriately qualified or trained Council officer available to undertake this activity.

### **Implications**

To undertake the works without appropriate consideration of the impact of high river levels could see issues with erosion and associated costs with having to repair and maintain.

### **Conclusion**

Approval is sought to engage consultants for the assessment of proposed works on the Ovens Riverbank in accordance with Council's Purchasing Policy.

***(Moved: Councillor D Joyce)***

### **Recommendation**

***That Council approve the engagement of consultants for the assessment of proposed works on the Ovens Riverbank in accordance with Council's Purchasing Policy.***

***The motion Lapsed for want of a seconder.***

*Councillor Atkins returned to the room.*

#### 11.2.4.8 ENGAGEMENT OF CONSULTANT FOR MEASURING AIR QUALITY

Consultant Engagement - Approval by Council      20.010.010

#### Introduction

In accordance with Council's resolution at the January 2013 Council meeting:

***'That Council review and decide upon the engagement of all external consultants except in emergencies for the next twelve months',***

approval is sought to engage consultants to measure air quality.



**Scope of Work**

Refer to confidential attachment (*refer attachment*)

**Conclusion**

Approval is sought to engage consultants to measure air quality.  
(*Moved: Councillor J Fidge/Councillor P O'Brien*)

**Recommendation:**

*That Council approve the engagement of consultants to measure air quality in accordance with Council's Purchasing Policy.*

*Carried*

**11.3 SPECIAL COMMITTEE REPORTS**

Nil

## 11.4 ADVISORY COMMITTEE REPORTS

### 11.4.1.1 ARTS CULTURE AND HERITAGE ADVISORY COMMITTEE MEETING REPORT

Cultural/Arts Issues

67.010.006

#### **Background**

The Arts, Culture and Heritage Advisory Committee (ACHAC) held their bi - monthly meeting on 04 February 2013.

Attendees: Ken Gaudion, Rhonda Diffey, Lorraine Monshing, Kim Westcott, Loueen Twyford, Councillor Lisa McInerney, Ruth Tai, Dianne Mangan, Penny Hargrave, Justine Ambrosio.

There were no declarations of conflict of interest.

The following items were discussed:

- The Wangaratta High School Heritage Collection Inventory;
- The 2012 Meeting Schedule and Guest Speakers;
- The introduction of Councillor Lisa McInerney the portfolio holder for Community Arts & Culture;
- The proposed workshop on the future directions of ACHAC scheduled on 15 April 5:30pm- 9:00pm 2013, at the Wangaratta Performing Arts Centre Green Room;
- The Sculpture Commission Timeline and Process;
- The Indigenous Interpretive Signage Project, Application for Funding and Project Update;
- The Heritage Festival, 18 April to 19 May including the Cenotaph's 90th Anniversary on 21 April 2013; and
- The review of the DRAFT Council Plan, an additional Meeting is scheduled on 4 March 2013 for ACHAC to provide input and feedback

***(Moved: Councillor J Fidge/Councillor T Atkins)***

#### **Recommendation**

***That this report be noted***

***Carried***

#### 11.4.1.2 SPORT AND RECREATION ADVISORY COMMITTEE MEETING REPORT

Sport and Recreation Advisory Committee

61.010.003

#### **Background**

The Sport & Recreation Advisory Committee held a meeting on 06 February 2013.

Attendees: Councillor. Don Joyce (departed at 5:00pm), John O'Donohue (departed at 5:25pm), Elizabeth Hindle, Jessica Long, Leon Newton, Anne Bittner, Laurie Johnston, Wayne Tennant, Jason Maroney, Ruth Tai, Leonie Painter, Marcus Forster.

There were no declarations of conflict of interest.

The following items were discussed:

1. The development of the 2013 – 2016 Council Plan.
2. The Recreation Strategies and Plans Implementation Report (RSPiR).
3. Resignation from Committee member Laura Tonkin.
4. A report was delivered on current grants and funding opportunities as follows:
  - Whorouly Revitalisation Project;
  - Country Football Netball Program;
  - Community Facilities Funding Program; and
  - Public Safety Infrastructure Fund
5. Future subjects and dates for the 2013 Sports Forums.
6. Reports were delivered on the current status of the:
  - Hume Region Significant Tracks and Trails Strategy; and
  - City Oval-Tennis Precinct Project

The following items are reported to Council for information:

The Recreation Strategies and Plans Implementation Report (RSPiR) has been developed by Council Officers to provide the Advisory Committee members with a means to track the progress and implementation of strategic documents. It has been determined by the Committee that a small amount of time will be spent on this document at each of their meetings.

***(Moved: Councillor D Joyce/Councillor N Amery)***

#### **Recommendation**

***That the report be noted***

***Carried***

### 11.4.1.3 YOUTH COUNCIL ADVISORY COMMITTEE MEETING REPORT

Youth Council Advisory Committee Report

10.020.010

#### **Background**

The Youth Council Advisory Committee held a meeting on 30 January 2013.

Attendees: Youth Councillors: Sofia Kennedy, Mary Watter, Jess Long, Elizabeth Hindle, Melinda Suter, Amy Faithfull, Hazel Vaughan, Zoe Stinson, Max Dewez and Youth Mayor, Belle Currie.

Councillor Rozi Parisotto, Mayor; Ruth Tai and Katy Hawkins

There were no declarations of conflict of interest.

The following items were discussed:

- Unbranded Update;
- Change to Youth Council Charter;
- Youth Council Resignations;
- Australia Day 2013;
- Youth Council Challenge Report;
- Youth Prime Times Activities in Melbourne;
- Y-Lead Conference Report;
- Rock Pool Report;
- Wangaratta Youth Contact Card Launches; and
- National Young Leaders Conference Report

The following items are provided for Councillors information.

#### **Unbranded update**

Youth Council has supported the Unbranded initiative that commenced in December 2012. The first Unbranded event had more than 70 young people attend and 7 local bands performed. The event was very successful and gave young people a place to hang out and also gave young performers an opportunity to perform in a public space.

#### **Change to Youth Council Charter**

The Youth Council has recommended that an amendment is made to the Youth Council Charter to enable current Youth Councillors to extend their term on Youth Council for an additional 12 months with a maximum of a two year term. This would encourage mentoring and leadership opportunities and provide

continuity to help further develop new ideas and initiatives that Youth Council develops each term. (*Refer to report in this Agenda – Community Wellbeing*).

### Youth Council Resignations

Two resignations have been received from Youth Councillors Corinne Antonoff and Emily Bettio. Both Youth Councillors have resigned due to personal reasons. At this stage, due to the length of term remaining for the 2012/13 Youth Council and the period it will take to endorse new councillors, it is proposed not to fill these vacant positions.

***(Moved: Councillor J Fidge/Councillor T Atkins)***

### Recommendation

***That:***

- 1. the report be noted; and***
- 2. no action be taken to fill the vacant Youth Council positions at this time.***

***Carried***

#### 11.4.1.4 AGRICULTURE AND AGRIBUSINESS ADVISORY COMMITTEE MEETING REPORT

Agriculture and Agribusiness Advisory Committee

25.070.006

### Background

Council's Agriculture and Agribusiness Advisory Committee (AAAC) held a special meeting on Monday 4 March 2013.

Attendees: Councillor Noel Amery (Chairman); Councillor Tammy Atkins; Councillor Paul O'Brien; Councillor Don Joyce; Geoff Bussell; Harry Bussell; Rosey Bennett; David Maples; Harvey Benton; Graeme Norman; and Vin McKenzie; Ray Park, DS; Andrew Close, DI; Tony Raven, MBP&S; Shivaun Brown, AEMED.

A conflict of interest was declared by Harvey Benton as an employee of the Wangaratta Livestock Exchange.

This meeting was called to respond to the resolution of Council at its meeting held on 19 February 2013 to:

*“defer the engagement of a consultant pending further information into the staging of the project”.*

During the meeting the AAAC supported three recommendations for Council to consider (*see item 11.2.2.2*).

The next meeting of the Agriculture and Agribusiness Advisory Committee is scheduled for Monday 8 April 2013.

***(Moved: Councillor N Amery/Councillor J Fidge)***

### **Recommendation**

***That the report be noted.***

***Carried***

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

Wangaratta Unlimited Board

25.007.002

### **Background**

The Wangaratta Unlimited Advisory Board (Committee) held their monthly meeting on Wednesday 6 March 2013 with the following members in attendance: Barry Sullivan (Chair), Councillor Tammy Atkins, Councillor Rozi Parisotto, Mayor; Ken Butterworth, Grant Jones, Wendy Lester, Helen Haines, and Guy Wilkinson. Also in attendance were the following Council officers: Doug Sharp, Emma Keith, Charles Halter and Shivaun Brown.

Guy Wilkinson declared a conflict of interest when it became apparent that the matter could be related to Brown Brothers (Milawa) Vineyard Pty Ltd, his employer, and left the room during the course of the discussion regarding the review of the Tourism Special Events Funding Program.

The following Councillors were in attendance for a briefing and engagement with regard to Tourism and Economic Development elements for the development of the 2013-2017 Council Plan: Councillor Don Joyce; Councillor Paul O'Brien; Councillor Noel Amery.

The following items were discussed at the meeting:

- Manufacturing Support Strategy
- Strategic Tourism Workshop
- Review of the Tourism Special Events Funding program

Reports were received from the following committees or projects:

- Regional Development Australia Advisory Committee

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

### **Strategic Tourism Workshop**

An overview of the tourism industry and government agencies relevant to the development and support of tourism was given in preparation for the next

meeting (Wednesday 3 April) where a workshop will be held to fully review the strategic approach taken to developing the full tourism potential of Wangaratta.

### **Tourism Special Events Funding Program**

An overview of the Special Events Funding Program was given. A discussion paper will be developed and distributed by 20 March to prepare for the development of a recommendation to Council in regards to the program.

***(Moved: Councillor T Atkins/Councillor J Fidge)***

### **Recommendation:**

***That the Report be noted.***

***Carried***

### 11.4.1.6 PLACE NAMING COMMITTEE MEETING REPORT

Place Naming Committee

73.020.014

### **Background**

The Place Naming Committee (PNC) held a meeting on Wednesday 20 February 2013 with the following members in attendance: Councillor Julian Fidge (Chair); Andrew Close; Sandra Dalton; Ken Jenvey; Neil Ottaway; Beryl Bellis; Marg Pullen; Val Gleeson; Julie Allen; Ken Miller; and Jane Kaye.

No conflicts of interest were declared.

The following items were discussed at the meeting:

- Road naming history to be researched by PNC (ongoing);
- Street naming for Baltimore Estate, Christensens Lane (old TAFE equine site);
- Planning referral road naming for subdivision – Salisbury Street, Wangaratta;
- Bella Way/ Cruse Street road naming; and
- Unnamed road in Londrigan to be named.

The following items are reported for information:

### **Street naming for Baltimore Estate, Christensens Lane**

Naming proposals for stage 1 referred back to Place Naming Committee for consideration.

Bella Way/ Cruse Street Road Naming

The western section of Cruse Street to be named Bella Way from Worland Road to Willow Drive. A report is located elsewhere in the agenda.

Unnamed Road in Londrigan

Place Naming sub-committee is researching names for an unnamed road for consideration at the next Committee meeting.

Proposed Subdivision – Salisbury Street

Place Naming sub-committee is researching names for streets in subdivision for consideration at the next Committee meeting.

***(Moved: Councillor J Fidge/Councillor P O'Brien)***

**Recommendation:**

***That the report be noted.***

***Carried***



## 12. RECORDS OF ASSEMBLIES OF COUNCILLORS

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>
12-03-2013	Draft Council Meeting Agenda & Deputations	Attachment
6-03-2013	Wangaratta Unlimited Advisory Board (Committee)	Item 11.4.1.5
5-03-2013	Councillors Briefing Forum	Attachment
4-03-2013	Agriculture & Agribusiness Advisory Committee	Item 11.4.1.4
27-02-2013	Council Plan Workshop	Attachment
20-02-2013	Place Naming Committee	Item 11.3.1.1
20-02-2013	Rural Land Strategy Workshop	Attachment
19-02-2013	Prior to Council Meeting	Attachment
6-02-2013	Sport and Recreation Advisory Committee	Item 11.4.1.2
4-02-2013	Arts, Culture and Heritage Advisory Committee	Item 11.4.1.1
30-01-2013	Youth Council Advisory Committee	Item 11.4.1.3

***(Moved: Councillor D Joyce/Councillor T Atkins)***

**Recommendation:**

***That:***

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

***(i) Councillor's Briefing Forum dated 5 March 2013:***

***4.2.3.1 2013 National General Assembly Of Local Government — Call For Motions***

***4.2.4.1 Wangaratta Central Activities Area (Caa) Future Planning Project – Consultation Program***

***4.2.4.2 VCAT***

***4.2.4.3 Planning System & Controls***

***4.2.5.1 Wangaratta Motocross Club***

***4.2.5.2 Glenrowan Memorial Hall Refurbishment Project***

***4.2.6.2 Measures To Address Drainage Issues Around Vincent Road, South Wangaratta***

***Carried***

### 13. NOTICE OF MOTION

#### 13.1.1.1 COUNCILLOR FIDGE

Notice of Motion

10.010.010

Councillor Julian Fidge has given notice of his intention to move the following motion:

Moved Councillor J Fidge that:

***'The officer(s) responsible for the Appointment to Committees of Council Policy and the Appointment to Committees of Council Procedure re-draft this policy and its procedure in time for consideration for the April 2013 council meeting to:***

- 1. Allow those committees who manage rural facilities such as halls and parks to form their own committees without Council input if they so desire; and***
- 2. Alter the terms of appointment so that a third of special committee members retire each year.'***

***The motion Lapsed for want of a seconder.***

#### Background

There is nothing to be gained by Council nominating the members of these rural facility committees. It is paternalistic, interfering and undermines these committees.

A staged turnover of a third of the committee members every year encourages continuity of purpose and activity of these committees. This will also bring the terms of appointment of Special Committees into line with those of Advisory Committees.

#### 13.1.1.2 COUNCILLOR FIDGE

Notice of Motion

10.010.010

Councillor Julian Fidge has given notice of his intention to move the following motion:

***(Moved: Councillor J Fidge/Councillor P O'Brien)***

***'That the CEO provide a report to Council's April 2013 meeting specifying the conditions requiring the engagement of an external consultant under emergency provisions in March 2013, including details of the cost of the***

***consultant to Council and why Council could not meet this requirement from within existing resources.'***

***The motion was put and the voting was tied. The motion was Lost on the second vote of the Mayor.***

#### Background

The CEO has engaged a consultant under the provision for emergencies which allows him to do so.

The CEO should now provide a report detailing the emergency, the work that was required to be carried out, its cost and why he was not able to meet this demand from extant human resources.

#### 13.1.1.3 COUNCILLOR FIDGE

Notice of Motion

10.010.010

Councillor Julian Fidge has given notice of his intention to move the following motion:

***'That all requests for legal advice, legal briefs and legal advice pertaining to Council matters be tabled at the next Assembly of Councillors and formally at the next Council Meeting (Ordinary, Special or otherwise) after the brief has been written or the advice has been received.'***

***(Moved: Councillor J Fidge/Councillor P'O'Brien)***

***'That all requests for legal opinion, legal briefs and legal advice pertaining to Council matters be tabled at the next Assembly of Councillors after the brief has been written or the advice has been received.'***

***Carried***

#### Background

The practice of requesting legal advice in secret, without the knowledge of Council, is not in keeping with transparency and good governance and must cease immediately.

Where Council requires legal advice, the brief outlining the advice sought must be tabled so that it is available to all Councillors equally, so that Council may make an informed decision. It is also impossible to consider the resulting legal advice if the request for that advice is not available.

The practice of withholding legal advice from Council is not acceptable. It is not in keeping with good governance. All legal advice pertaining to Council decisions should be made available to Councillors as soon as possible in order to inform debate and improve decisions.

Council supports transparency, accountability, robust process and debate. The practice of withholding legal briefs and legal advice undermines these principles and practices.

#### 13.1.1.4 COUNCILLOR FIDGE

Notice of Motion

10.010.010

Councillor Julian Fidge has given notice of his intention to move the following motion:

***Moved Councillor J Fidge:***

***'That Council form a committee composed of Cr Parisotto, Cr Amery, Cr O'Brien and Cr Fidge to conduct the 2013 annual review of the Chief Executive Officer's performance.'***

***The motion lapsed for want of a seconder.***

#### Background

The Chief Executive Officer is entitled to an annual performance review.

- Cr Parisotto, as Mayor, is responsible for Council governance and would also chair this committee of Council.
- Cr Amery holds the portfolio of rural development and faithfully represents the broader population of the Rural City of Wangaratta.
- Cr O'Brien has extensive financial management experience with a large corporation.
- Cr Fidge has conducted many performance appraisals as an officer in the Australian Army

#### 13.1.1.5 COUNCILLOR FIDGE

Notice of Motion

10.010.010

Councillor Julian Fidge has given notice of his intention to move the following motion:

***'That the Council Management Team table the risk assessment, Ministerial approval and Treasurer's approval for Council's investment in the Target car park venture as required under section 193 (5C) (c) of the Local Government Act 1989, or the Ministerial exemption for these approvals, at the April 2013 Council meeting.'***

***Councillor Fidge withdrew the motion.***

## Background

The Local Government Act 1989 in section 193 allows Council to enter "into any arrangement for sharing of profits" at (1) (f).

The same section also requires at (5C) (c) that if the total investment involved exceeds \$5,000,000 that Council must (i) consider a risk assessment report from an appropriately qualified person, (ii) obtain the approval of the Minister, and (iii) obtain the approval of the Treasurer.

These documents and approvals have not been presented to Council.

Council has not considered a risk assessment as required by the Act.

## Local Government Act 1989

### **Section 193 Entrepreneurial powers**

- (1) *For the purpose of performing any function or exercising any power conferred on a Council by or under this Act or any other Act a Council may—*
  - (a) *participate in the formation and operation of a corporation, trust, partnership or other body; and*
  - (b) *subscribe for or otherwise acquire and dispose of shares in or debentures or other securities of, a corporation; and*
  - (c) *become a member of a company limited by guarantee; and*
  - (d) *subscribe for or otherwise acquire and dispose of units in a trust; and*
  - (e) *acquire and dispose of an interest in a partnership or other body; and*
  - (f) *enter into partnership or into any arrangement for sharing of profits, union of interest, co-operation, joint venture, reciprocal concession or otherwise, with any person or corporation carrying on or engaged in, or about to carry on or engage in, any business or transaction capable of being conducted so as to directly or indirectly benefit the Council.*
- (2) *If by virtue of any participation, subscription or acquisition under subsection (1), a Council has the right to appoint some person to be a director of or hold office in or under the corporation, trust, partnership or other body the Council may appoint a Councillor, member of Council staff or other person to that office.*
- (3) *For the purposes of subsection (1)(c) or (1)(d) a Council may nominate a person to hold the shareholding or unit holding on behalf of the Council and the person nominated is to be treated as being the shareholder or unit holder of the shares or units.*
- (4) *For the purposes of subsection (1), a Council may obtain temporary financial accommodation by way of overdraft (in addition to anything the Council may do under Part 7).*
- (5) *Before a Council does anything under subsection (1), the Council must have regard to the risks involved and comply with subsections (5A) and (5C).*
- (5A) *If the Council proposes to exercise any power under subsection (1), the Council must assess the total investment involved and the total risk exposure.*

- (5B) *If the proposal involves both an investment and a risk exposure, the sum for the purposes of the application of subsection (5C) is the total of the sum of the total investment involved and the total risk exposure.*
- (5C) *If the sum assessed under subsection (5A)—*
- (a) *exceeds whichever is the greater of \$100 000 or 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year, the Council must consider a risk assessment report (including appropriate reporting arrangements) from an appropriately qualified person;*
  - (b) *exceeds whichever is the greater of \$500 000 or 5% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year, the Council must—*
    - (i) *consider a risk assessment report (including appropriate reporting arrangements) from an appropriately qualified person; and*
    - (ii) *obtain the approval of the Minister;*
  - (c) *exceeds \$5 000 000, the Council must—*
    - (i) *consider a risk assessment report (including appropriate reporting arrangements) from an appropriately qualified person; and*
    - (ii) *obtain the approval of the Minister; and*
    - (iii) *obtain the approval of the Treasurer.*
- (5D) *The Minister may make guidelines for the purposes of subsections (5A) and (5C).*
- (5E) *Guidelines made under subsection (5D) must be published in the Government Gazette.*
- (5F) *Subsections (6) to (9) only apply if the approval of the Minister is required as a result of the application of subsection (5C).*
- (5G) *Before a Council does anything under subsection (1) that would include participation in the formation or operation of, or any partnership, arrangement or venture with, an entity which would have the power to borrow money in its own right, the Council must obtain the approval of the Minister.*
- (6) *The Minister may request a Council to provide any additional information.*
- (7) *The Minister's approval may be given on any condition that the Minister thinks fit, including a condition that a poll of voters be held in respect of a decision of the Council to do anything referred to in subsection (1) or (4).*
- (9) *The Minister may in respect of a municipal enterprise—*
- (a) *exempt a Council from complying with any requirement or restriction on its powers under any other section of this Act; or*
  - (b) *require a Council to comply with that requirement or restriction as varied by the Minister; or*
  - (c) *on the application of a Council and with the approval of the Treasurer amend his or her approval where the Council has amended its proposal.*
- (10) *Section 34 of the **Freedom of Information Act 1982** applies to information given to the Minister under this section as if in that section a reference to information*

*acquired by an agency or a Minister from a business, commercial or financial undertaking were a reference to information acquired by the Minister from a Council under this section.*

- (11) *If a Council participates in the formation of a corporation, trust, partnership or other body under subsection (1)(a) in which the Council will have a controlling interest, the accounts and records of the corporation, trust, partnership or body are subject to audit and inspection under Part 6 as if they were accounts and records of the Council.*
- (12) *In subsection (11), **controlling interest** has the same meaning as it has in section 72(2) of the **Payroll Tax Act 2007**.*
- (13) *This section as in force immediately before the commencement of section 89 of the **Local Government (Democratic Reform) Act 2003** continues to apply to and in respect of an application for approval made under this section as in force before that commencement.*

#### Chief Executive Officer's Comments

Council liaised with Local Government Victoria to ensure compliance with the Local Government Act. Specific investigation of Section 193 of the Act was undertaken and in this regard legal advice was sought by Local Government Victoria. On 26 April 2012 Local Government Victoria replied as follows:

"I can confirm that the legal advice we received on this matter provides that the proposed licence between the Council and PCI does not amount to a type of participation that requires the Council to rely on the powers in Section 193 of the Local Government Act 1989."

"On this basis, the proposed licence does not fall within the types of participation listed in sub-sections 193(1)(a) – (e), nor can it be construed as a type of arrangement that invokes the powers described in sub-section 193(1)(f)."

Further legal advice was given by Local Government Victoria at that time stating that the provisions of Section 186(1) of the Act did apply. Local Government Victoria advised that:

"Section 186(1) provides that before a council enters into a contract for the purchase of goods, service or works to the value of \$150,000 or higher for goods and services or \$200,000 or higher for works, it must invite tenders or expressions of interest.

The advice concluded that in this case, such a licence arrangement amounted to the purchase of a service, being a grant of permission or right to use 150 car parking spaces within a certain building (where permission is granted in the form of a licence), and that section 186(1) therefore applies.

From our earlier discussions, it would appear that there is not a competitive market for the purchase of such a privilege i.e. the right to use car parking spaces that meets Council's specific requirements and needs in this case. As such, it is open to you to seek an exemption from the requirement to invite tenders or expressions of interest under section 186(5)(c) of the Act on this basis, before entering into the licence arrangement with PCI."



On 27 April 2012 Council applied for Ministerial Exemption from Section 186(5)(c) of the Local Government Act in accordance with Local Government Victoria's advice. On 3 May 2012 the Minister for Local Government approved the arrangements for the purposes of Section 186(5)(c) for the Licence Agreement Council proposed to enter into with Prudential Commercial Investments Pty Ltd.

In the report to the Council meeting on 31 May 2012 at which the MOU between Council and PCI was considered, it was stated that:

"In addition, specialist legal advice was received to ensure statutory requirements and other issues were addressed, including those of Local Government Victoria."

At the Special Meeting on 8 February 2013 at which Council resolved to enter into a Licence Agreement with PCI, that advice was reiterated verbatim.

#### 13.1.1.6 COUNCILLOR AMERY

Notice of Motion

10.010.010

Councillor Noel Amery has given notice of his intention to move the following motion:

***(Moved: Councillor N Amery/Councillor J Fidge)***

***'That the following motion carried by Council at its ordinary Meeting on the 26th June 2012 be rescinded in its entirety. That motion being:***

***'That Council:***

- 1. Amend the Rural Land Strategy Draft 2 by incorporating the revised recommendations 2A,2B,3,4,7,9,10,12 and 13 contained in this report***
- 2. Adopt the Rural Land Strategy Draft 2 as amended***
- 3. Seek the authorisation of the Minister for Planning to prepare an amendment to the Wangaratta Planning Scheme generally incorporating the elements of the Rural Land Strategy Draft 2 but specifically including proposals 2A,2B,3,4,5,6,7,8,9, and 10; and***
- 4. Formally review the workings and outcomes of any of these proposals incorporated into the Wangaratta Planning Scheme after a period of three years from their incorporation'***

**Lost**

### 13.1.1.7 COUNCILLOR AMERY

Notice of Motion

10.010.010

Councillor Noel Amery has given notice of his intention to move the following motion:

***'That when the Minister for Planning concludes his consultation process on Reformed Zones, Council review its Planning Scheme.'***

***Councillor Amery withdrew the motion.***

### 13.1.1.8 COUNCILLOR ATKINS

Notice of Motion

10.010.010

Councillor Tammy Atkins has given notice of her intention to move the following motion:

***(Moved: Councillor T Atkins/Councillor D Joyce)***

***'That the motion carried at the 22 January 2013 Ordinary Meeting -'That Council review and decide upon the engagement of all external consultants except in emergencies for the next twelve months'- be rescinded.'***

***Councillor N Amery raised a Point of Order in regard to whether the motion had already been acted upon.***

***The Mayor ruled that the intended motion could be moved.***

***Councillor J Fidge moved that the motion lay on the table until the next Council Meeting.***

***Lost***

***The original motion was put and Lost.***

### 13.1.1.9 COUNCILLOR FIDGE

Notice of Motion

10.010.010

Councillor Julian Fidge has given notice of his intention to move the following motion:

***(Moved: Councillor J Fidge/Councillor P O'Brien)***

***'That Council receive the letter from Mr Thomas Walpole dated the 16/2/2013 in response to the Heritage Citation Report.'***

***Carried***

### Background

Mr Walpole has written to the CEO, Mr Doug Sharp, in order to express his disappointment in the heritage report where it states it has not been possible to visit their property, Hurdle Creek. They say no such request has been made, at least for the 85 years Mr Walpole has lived there. The letter goes on to express the considerable lengths Mr and Mrs Walpole have gone to in promoting the heritage significance of their property by researching its history and hosting National Trust investigators. They obviously take a great deal of pride in Hurdle Creek. At the Council meeting at which this report was considered, Cr Amery and myself argued that it was not appropriate to impose a heritage overlay over the whole property merely because the owners had not been contacted. Cr McInerney argued that the owners had brought this upon themselves by not replying to requests to visit and assess their property.

Mr Walpole has requested his letter be tabled in order to correct the record. The CEO has not done this. I now seek to be fair to the Walpoles and allow them to tell their side of the story.

### Chief Executive Officer's Comment

Letters received in response to documents on public exhibition are treated as submissions and, as such, are reported on at the appropriate time.

## **14. URGENT BUSINESS**

Nil

## **15. AUTHORISATION OF SIGNING AND SEALING OF DOCUMENTS**

Authorisation of Signing & Sealing of Documents

50.010.004

Nil

## 16. PUBLIC QUESTION TIME

Public Question Time

10.020.004

### Doug Sunderland – Wangaratta

Mr Sunderland asked when is Council going to have a public address system in the Council Chambers for meetings.

Councillor R Parisotto, Mayor replied that the system in place today was temporary but Council was looking at a more permanent system and also a system for rural areas.

Mr Doug Sharp, Chief Executive Officer (CEO) added that Council are committed to obtaining three quotes for a system for the Council Chambers and a rural areas system.

### Ian Gambold – Wangaratta

Mr Gambold referred to the consultants reports and wished to know about the consultants being used by Council – who they were and where they come from.

Mr Doug Sharp (CEO) responded that, at this stage we don't know who they are. The engagement of a consultant must be approved by Council before Expressions of Interest are tendered.

### Ivan Malcolm – Wangaratta

Mr Malcolm enquired as to which Local Law was involved in gagging Councillors from speaking to the media.

The Mayor replied that the Councillors Code of Conduct stated that the Mayor was the spokesperson for the Council.

### Nicola Bussell – Carboor

Ms Bussell referred to her question from the February Council Meeting in Cheshunt where she asked for an explanation about the Multideck Carpark deal – why it was thought a good idea and how we are going to pay for it. She had received a letter from the CEO in regard to her issues but felt the letter did not address her concerns.

Mr Doug Sharp, CEO, replied that the decision had been decided by Council on two occasions. He explained that there would be 360 parks available for use but only 145 will be paid for by Council. It was felt that bringing Target to the town was a very positive step and responded to the many requests from across the municipality over several years.

Mr Sharp offered to discuss the issue in more detail with Ms Bussell at a mutually suitable time.

Malcolm Carson – Docker

Mr Carson stated there has been a severe outbreak of Fleabane weed along the Moyhu-Whitfield road and enquired if Council were going to take any action.

Mr Andrew Close, Director of Infrastructure, responded that he would take it on notice.

Mr Carson said that it was particularly bad at the Snow Road crossroads at Oxley.

Doug McPhie – North Wangaratta

Mr McPhie enquired as to the legality of the Special Meeting of 8 February 2013 and the Target Carpark resolution.

The Mayor advised that a report had been received today from the Local Government Inspectorate and Compliance Unit and the finding was that the meeting was legal.

Mr McPhie then asked, in light of all the conjecture over development in Wangaratta with the Target Carpark project, have there been any other developers put on hold and, if so, what size projects.

The Mayor replied that there were none to her knowledge.

Kieran Klemm – Londrigan

Mr Klemm has noticed many people jumping off the Ovens River Swing Bridges into the river recently and asked if the Director of Infrastructure had reconsidered the design of the bridges to prevent this.

Mr Andrew Close, Director of Infrastructure responded that the design of the bridges was safe and appropriate signage had been erected.

Gary Nevin – Bobinawarrah

Mr Nevin asked if Council expected to consider a Memorandum Of Understanding (MOU) with Goulburn Murray Water and, if so, when.

Mr Ray Park, Director Sustainability, replied that, hopefully, it would be considered by the end of April 2013.

Lauren McCully – Wangaratta

Ms McCully enquired as to how much Council was spending on the various investigations in progress.

Mr Ray Park, Director Sustainability, responded that the Investigations by the Inspectorate are not expected to affect Council Budget as it was government funded. The Probity Audit could cost up to \$50,000 and the costs of the Councillor Conduct Panel were not known at this time as investigations are continuing.

Jim Lewis – Wangaratta

Mr Lewis asked when will the public see the Draft Council Plan and would it be possible to have a public session to explain the contents.

Mr Doug Sharp, CEO, replied that Council is hoping to have a draft to the April Council Meeting and then to public exhibition.

The Mayor also expressed an option of taking the plan on a 'roadshow' around the municipality.

Tom Wighton – Springhurst

Mr Wighton referred to a letter he had received regarding the Heritage Overlay but when his wife attempted to obtain a relevant CD she was refused. Mr Wighton asked whether Council had something to hide regarding the Heritage Overlay.

Mr Ray Park, Director Sustainability, responded that, as the Heritage Study was on public exhibition, Council has nothing to hide. Mr Park offered to make an appointment for Mr and Mrs Wighton with a Planner to discuss the issue and reiterated that a CD would be sent out in the mail.

**17. CONFIDENTIAL BUSINESS**

**18. CLOSURE OF MEETING**

The meeting closed at 9:55pm.