

WANGARATTA RURAL CITY COUNCIL



BUSINESS PAPER FOR THE ORDINARY MEETING
OF THE WANGARATTA RURAL CITY COUNCIL, TO BE HELD
IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES,
62-68 OVENS STREET, WANGARATTA
ON **TUESDAY, 20 SEPTEMBER 2011** COMMENCING AT 7.00PM

Doug Sharp
CHIEF EXECUTIVE OFFICER

As at 16/09/11 11:42 AM

TABLE OF CONTENTS

		Page No.
1.	ACKNOWLEDGEMENT OF TRADITIONAL OWNERS	4
2.	OPENING PRAYER	4
3.	PRESENT	4
4.	ABSENT	4
5.	ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE	4
6.	CITIZENSHIP CEREMONY	4
7.	CONFIRMATION OF MINUTES.....	4
8.	CONFLICT OF INTEREST DISCLOSURE.....	4
9.	RECEPTION OF PETITIONS	4
10.	HEARING OF DEPUTATIONS.....	5
11.	PRESENTATION OF REPORTS	5
11.1	COUNCILLORS’ REPORTS	5
11.1.1.1	LIVESTOCK SALEYARD ASSOCIATION OF VICTORIA ANNUAL CONFERENCE AND AGM	5
11.1.1.2	MUNICIPAL ASSOCIATION OF VICTORIA (MAV) ENVIRONMENT COMMITTEE	6
11.1.1.3	STRENGTHENING OUR COMMUNITY INFORMATION SESSIONS	7
11.2	OFFICER’S REPORTS	9
11.2.1	EXECUTIVE SERVICES	9
11.2.1.1	VICTORIAN FLOODS – NATURAL DISASTER ARRANGEMENTS.....	9
11.2.1.2	VISITOR ATTRACTION EVENTS FUNDING PROGRAM.....	10
11.2.1.3	TOURISM SPECIAL EVENTS FUNDING PROGRAM	11
11.2.2	SUSTAINABILITY	15
11.2.2.1	2010/2011 FINANCIAL REPORT, STANDARD STATEMENTS AND PERFORMANCE STATEMENT	15
11.2.2.2	FIRE SERVICES PROPERTY LEVY OPTIONS PAPER SUBMISSION.....	20
11.2.2.3	SUBMISSION TO VICTORIAN PLANNING SYSTEM MINISTERIAL ADVISORY COMMITTEE	24
11.2.2.4	SUBMISSION REGARDING CLEAN ENERGY BILL 2011 (EXPOSURE DRAFT).....	29
11.2.2.5	ROADSIDE CONSERVATION - WEED MANAGEMENT GRANT	31
11.2.2.6	SOLAR NORTH EAST PROJECT – MEMORANDUM OF UNDERSTANDING.....	33
11.2.3	COMMUNITY WELLBEING	36
11.2.3.1	2012/13 COMMUNITY FACILITY FUNDING PROGRAM	36
11.2.3.2	COMMUNITY PLANNING PROGRAM – PROGRESS UPDATE	39
11.2.3.3	EXTENSION OF HOURS – OLYMPIC POOL	41
11.2.3.4	YOUTH COUNCIL ACTION PLAN 2011/2012.....	43
11.2.3.5	FEEES AND CHARGES FOR THE OPERATION OF THE WANGARATTA ANIMAL SHELTER (POUND)	44
11.2.3.6	ARTS CULTURE AND HERITAGE ADVISORY COMMITTEE MEMBER NOMINATIONS	46
11.2.4	INFRASTRUCTURE SERVICES	48

11.2.4.1	PROPOSED ROAD CLOSURE – MASON STREET, WANGARATTA	48
11.2.4.2	PLANE TREE SURVEY RESULTS.....	49
11.3	SPECIAL COMMITTEE REPORTS.....	56
11.4	ADVISORY COMMITTEE REPORTS.....	56
11.4.1.1	ARTS CULTURE AND HERITAGE ADVISORY COMMITTEE REPORTS.....	56
11.4.1.2	YOUTH COUNCIL ADVISORY COMMITTEE REPORT	57
11.4.1.3	AUDIT ADVISORY COMMITTEE REPORT.....	59
11.4.1.4	AGRICULTURE AND AGRIBUSINESS ADVISORY COMMITTEE REPORT.....	60
11.4.1.5	WANGARATTA UNLIMITED ADVISORY BOARD (COMMITTEE) MEETING REPORT	60
12.	RECORDS OF ASSEMBLIES OF COUNCILLORS	62
13.	NOTICE OF MOTION	63
14.	URGENT BUSINESS	63
15.	AUTHORISATION OF SIGNING AND SEALING OF DOCUMENTS	64
16.	PUBLIC QUESTION TIME	64
17.	CONFIDENTIAL BUSINESS.....	64
18.	CLOSURE OF MEETING	64

1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

2. **OPENING PRAYER**

3. **PRESENT**

4. **ABSENT**

Councillor D McPhie having previously been granted leave of absence from Tuesday 16 August 2011 to Wednesday 28 September 2011.

Councillor L McInerney having previously been granted leave of absence from Friday 16 September 2011 to Wednesday 21 September 2011.

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

Recommendation:

That Councillor L McCully be granted leave of absence from Friday 23 September 2011 to Friday 30 September 2011.

ORDER OF BUSINESS

6. **CITIZENSHIP CEREMONY**

An Australian Citizenship ceremony will be held.

7. **CONFIRMATION OF MINUTES**

Recommendation

That the Minutes of the Ordinary Meeting of Council held on 16 August 2011 be taken as read and confirmed as a true and accurate record of the proceedings of the meeting.

8. **CONFLICT OF INTEREST DISCLOSURE**

9. **RECEPTION OF PETITIONS**

Nil.

10. HEARING OF DEPUTATIONS

Nil.

11. PRESENTATION OF REPORTS

11.1 COUNCILLORS' REPORTS

11.1.1.1 LIVESTOCK SALEYARD ASSOCIATION OF VICTORIA ANNUAL CONFERENCE AND AGM

Livestock Saleyards Association

85.010.002

Introduction

On the August 25 and 26 2011, Cr Lisa McInerney attended the Livestock Saleyards Association of Victoria Annual Conference and Annual General Meeting (AGM) in Horsham.

Background

The conference was well attended with over 50 delegates from across Victoria, New South Wales and South Australia. The AGM saw the adoption of a new pay structure for the association, and the election of a new Chairperson in Cr Stuart Mclean from the Buloke Shire.

The annual conference was this year shortened to one day and guest speakers spoke on issues relating to:

- Radio Frequency Identification (RFID) in Sheep and the progressive stance of Victorian Saleyards as led by the Livestock Saleyards Association of Victoria (LSAV);
- The new OH&S laws that take effect in 2012 which will place greater onus on the Managers of Saleyards facilities to ensure public, contractor and staff safety; and
- Improvements in the transport of bobby calves in trials completed by Dairy Australia.

Of importance was the announcement by the Minister for Agriculture and Food Security, Peter Walsh, that the Victorian Government had committed \$500,000 to the RFID in sheep trial. This is an important step forward to ensure that Australia is able to meet the standards required by the EU.

Issues

Council will need to review the OH&S (to be called WH&S) currently implemented at the Livestock Complex due to new regulations coming into effect from 1 January, 2012.

Implications

Sustainability

There will be no change in the fees for the Wangaratta Saleyards based on the new fee structure as Wangaratta no longer undertakes sheep sales.

Conclusion

The Wangaratta Livestock Exchange has committed to maintaining its membership of the LSAV for another 12 months and Cr Lisa McInerney will serve on the Executive as the North East Victorian representative.

Recommendation:

That the report be noted.

11.1.1.2 MUNICIPAL ASSOCIATION OF VICTORIA (MAV) ENVIRONMENT COMMITTEE

Environmental Management Information

71.010.003

Introduction

Cr Ron Webb attended the newly structured MAV Environment Committee meeting at MAV Melbourne on 1 September 2011. There were 14 other Councillors/Officers from 13 Councils also in attendance.

It was agreed to meet bi-monthly for the next six months, then review frequency for future meetings.

The terms of reference for the Committee will be:

- Workshops on key identified issues;
- Inform MAV on environment sustainability;
- Brief member Councils On Policies, Direction and Actions; and
- Provide council feedback on Government “White Papers”.

Issues

The main points of discussion were:

- Computer and Television Product Stewardship presented by Nick Harford, MD Equilibrium:
 - Product Stewardship Act to Parliament in November 2011;
 - Arrangements will include mandatory, voluntary and co-regulatory involvement;
 - Products will be monitored through the 22 Import Tariff Codes; and
 - Future products will include tyres, mattresses and packaging.
- Native Vegetation – Victorian Bushfire Royal Commission (VBRC) Working Group presented by Simone Stuckey, Environment MAV:

- Vic Fire Risk Register – risk maps of roads and trialling by council and VicRoads in Yarra Valley and Gippsland; and
- Main focus on VBRC Recommendations 60 and 61 to inform Government.

- Waste Policy Forum Discussion presented by Ben Morris, Environment Manager MAV:
 - Outline of Waste Policy forum key questions and recovery issues to be discussed; and
 - Forum to be held on 22 October with all councils invited to participate.

- MAV Environment Team Update presented by Ben Morris and Simon Stuckey of MAV-ET:
 - Carbon price – landfill;
 - MAV Carbon survey with councils to feed into ALGA National Survey;
 - Three regional workshops in November to focus on reducing emissions and measuring/reporting on emissions; and
 - Climate change projects at Port Phillip Bay and Coastal areas.

- Environment Protection Authority (EPA) Victoria and Local Government liaison presented by Susanna Young, EPA Victoria:
 - New position of Local Government Relationships;
 - Four focus areas of LG Strategy, Key Relationship, Compliance/Enforcement and Partnerships/MOUs on local issues; and
 - Looking to meet with Regional / Rural Councils to discuss issues and opportunities.

Other Business

- Executive Summary of meetings to be produced for communication to all 79 councils; and
- Next meeting on Thursday 3 November at 10:00am.

Recommendation:

That the report be noted.

11.1.1.3 STRENGTHENING OUR COMMUNITY INFORMATION SESSIONS

Victorian Government & Victorian Multicultural Commission.

25.010.020

Introduction

On 25 August 2011, Cr Parisotto and Council representatives attended an information session conducted by the Victorian Government in conjunction with Victorian Multicultural Commission's Community Consultation Program held at Wangaratta Performing Art Centre.

Background

The Hon. Nicholas Kotsiras MP Minister for Multicultural Affairs and Citizenship welcomed all in attendance and presented an overview of the Government's plan for a Multicultural Victoria, the key developments in the Multicultural Affairs and Citizenship portfolio and the establishment of a more independent Victorian Multicultural Commission (VMC).

The VMC and the Office of Multicultural Affairs and Citizenship will host 21 information sessions throughout Victoria between 12 August to 27 September 2011.

VMC Acting Chairperson Mr Haken Akyol provided information on the importance of the establishment of state-wide Regional Advisory Councils (RACs) a new initiative under the Multicultural Victoria Act 2011. The RACs will assist in providing advice from a broader approach to the VMC on matters relating to multicultural affairs and citizenship in Victoria.

The RACs will be established in eight regions: Loddon Mallee, Grampians, Barwon South West, Hume, Gippsland, Southern Metropolitan, Eastern Metropolitan and North and West Metropolitan.

Issues

The following items were discussed at the session:

- Victorian Government reporting on Multicultural Affairs 2009-2010 Report;
- Grant categories and regional funding support;
- Structure of the new VMC Commissioners;
- RACs composition and local government representation;
- Submitting of Expression of Interest & selection process;
- Consultations and community feedback; and
- Settlement and skilled migration

Recommendation:

That the report be noted

11.2 OFFICER'S REPORTS

11.2.1 EXECUTIVE SERVICES

11.2.1.1 VICTORIAN FLOODS – NATURAL DISASTER ARRANGEMENTS

Wangaratta Flood Mitigation Claims

82.110.003

Introduction

New arrangements have been agreed to by the Federal and Victorian Governments in relation to the 2010 / 2011 Victorian floods that respond to the submission by the North East Local Government Network (NELGN).

Background

Following the September 2010 and December 2010 floods, a number of issues have been identified that require review in terms of both the long and short-term impact on Councils, including:

- Timeliness of claims payments;
- Amendment of restrictions on 'day labour' payments in the event of an emergency;
- Lost opportunity in relation to betterment restrictions;
- The need to recognise and budget for unpredictable long term damage; and
- Recognition of the impact of the September 2010 and December 2010 floods as equivalent to the January 2011 floods

The Rural City of Wangaratta, in its capacity as Chair of NELGN, prepared a submission on this basis.

Ministerial and departmental representations were made in support of that submission and in preparation for further discussion at a Coalition of Australian Governments (COAG) level.

Issues

The State Government responded to the submission by initially paying for 50% of the flood works in advance.

Since then, COAG has both met the cost of betterment works and has enshrined payments in advance, representing a major breakthrough for local government in Victoria.

Implications

The letter from the Department of Primary Industries including an attachment from the Department of Treasury and Finance, (**refer attachment**) details the arrangements for accessing the funding.

Recommendation:

That the report be noted and representations continue to be made through the North East Local Government Network to seek recognition and budget support for unquantifiable long-term damage.

11.2.1.2 **VISITOR ATTRACTION EVENTS FUNDING PROGRAM**

Visitor Attraction Events Funding Program

25.040.033

Introduction

Council operates two special events funding programs aimed at generating tourism to the municipality. The Visitor Attraction Events Funding Program is for events that fall outside the four key tourism product strengths of food and wine, cycling, jazz and Ned Kelly.

Events receiving funding under this program must show that they have a significant tourism impact. That is, they have the potential to generate visitation, yield, length of stay and repeat visitation thereby resulting in financial benefit for the local community.

Background

Grants of up to \$2,500 are available from the total annual allocation of \$10,000. Up two rounds of grants may be allocated each year.

The first round of applications closed on 1 April 2011. The second round of applications closed on 15 August 2011.

One application was received for the second round of funding as follows:

Applicant	Event	Amount Requested	Purpose
Milawa Gourmet Region	A Feast of Art – 2012	\$2,500	Promotion and marketing.

Issues

An evaluation of the application was undertaken and the outcomes are as follows:

Event	Issues
A Feast of Art – 2012	Event does not meet all the criteria of the Visitor Attraction Events Funding Program. Marketing of the event was to focus on local media opportunities and did not provide scope to attract greater visitation for outside the region. A detailed marketing plan was not provided.

Consultation

Representatives of the Milawa Gourmet Region were consulted to ascertain if their application could be aligned with the funding criteria.

Implications

Council Plan Outcomes

To support and encourage a sustainable, innovative and resilient tourism sector.

Sustainability

Council has an allocation of \$3,000 remaining from the 2011 / 2012 annual budget to fund this second round of applications.

Recommendation:

That Council makes no allocation under the second round of the 2011 / 2012 Visitor Attraction Events Funding Program.

Communication

Written advice will be provided to the applicants as to the outcome of their funding application.

11.2.1.3 **TOURISM SPECIAL EVENTS FUNDING PROGRAM**

Tourism Special Events Funding Program

25.040.032

Introduction

Council operates two special events funding programs aimed at generating tourism to the municipality. The Tourism Special Events Funding Program is for events that align with one of the four key tourism product strengths of food and wine, cycling, jazz and Ned Kelly as outlined in the 2010-2013 Tourism Industry Strategic Plan.

Events receiving funding under this program must show that they have a significant tourism impact at a regional, national or international level. That is, they have potential to generate visitation, yield, length of stay and repeat visitation thereby resulting in financial benefit for the local community.

Background

Grants of up to \$5,000 are available from the total annual allocation of \$33,000. Up two rounds of grants may be allocated each year.

The first round of applications closed on 1 April 2011. The second round of applications closed on 15 August 2011.

Six applications were received for the second round of funding as follows:

Applicant	Event	Amount Requested	Purpose
Wines of the King Valley & Winemakers of Rutherglen	Tastes of Two Regions – 2012	\$2,700	Advertising and promotion of the event.
Wines of the King Valley	Weekend Fit for a King – 9-11 June 2012	\$5,000	To assist with the marketing activities that will increase the number of overnight visitors (primarily Melbourne and Canberra markets).
Northeast Health Wangaratta & Wangaratta Bicycle Users Group	Kelly Country Classic – 13 November 2011	\$5,000	Expanding marketing, distribution of materials to interstate cycle clubs/bugs/cycle & sports shops and info centres, additional advertising, upgraded signage, cycle jerseys and caps, expansion of participants beyond central NSW.
Glenrowan Vignerons Association	Trails, Tastings and Tails – 9-11 June 2012	\$5,000	Design/printing of promotional material, print/radio advertising, flyers to targeted residents in Melbourne, NSW and other external areas, marketing Activities.
Milawa Gourmet Region Association	The Hundred Kilometre Dinner – 7 October 2011	\$5,000	Increase media advertising, hosting of food and wine writers, brochure and poster print/distribution.
Beechworth Vignerons Association	Beechworth Terror – Feb 2012	\$500	Marketing and event organisation.

Issues

An evaluation of the applications was undertaken and the outcomes are as follows:

Event	Issues
Tastes of Two Regions – 2012	Event meets the criteria of the Tourism Special Events Funding Program
Weekend Fit for a King – 9-11 June 2012	Event meets the criteria of the Tourism Special Events Funding Program

Event	Issues
Kelly Country Classic – 13 November 2011	Event meets the criteria of the Tourism Special Events Funding Program
Trails, Tastings and Tails – 9-11 June 2012	Event meets the criteria of the Tourism Special Events Funding Program
The Hundred Kilometre Dinner – 7 October 2011	Event meets the criteria of the Tourism Special Events Funding Program. It was noted however, that the capacity of the event is limited due to the restriction of ticket numbers. Future planning is required if the event is to attract greater visitation.
Beechworth Terror – Feb 2012	Event does not meet the criteria of the Tourism Special Events Funding Program - the event is not aiming to promote the Rural City of Wangaratta. The event aims to increase recognition and promotion of the Beechworth Wine Region. Key purposes of the event were noted as “create more exposure of the Beechworth Brand and create further networking opportunities for our members.”

Consultation

Representatives of the organisations proposing events which do not fully meet the criteria of the Tourism Special Events Funding Program were consulted to ascertain if their application could be aligned with the funding criteria.

Implications

Council Plan Outcomes

Build on the key brand strengths of Food and Wine, Cycling, Ned Kelly and Jazz.

Sustainability

Council has allocated \$20,700 of the \$29,000 remaining from the 2011 / 2012 Annual Budget to fund this second round of applications.

Recommendations:

- 1. That Council fund the following events under the second round of the 2011/ 2012 Tourism Special Events Funding Program:**
 - a) The Wines of the King Valley & Winemakers of Rutherglen’s “Taste of Two Regions Event 2012,” for the amount of \$2,700;**
 - b) The Wines of the King Valley’s “Weekend Fit for a King” event over 9-11 June 2012, for the amount of \$5,000;**
 - c) The Northeast Health Wangaratta & Wangaratta Bicycle Users Group’s “Kelly Country Classic” event on 13 November 2011, for the amount of \$5,000;**

- d) *The Glenrowan Vigneron Association’s “Trails, Tastings and Tails” event over 9-11 June 2012, for the amount of \$5,000; and***
- e) *The Milawa Gourmet Region’s “The Hundred Kilometre Dinner” on 7 October 2011, for the amount of \$3,000.***

Communication

Written advice will be provided to all applicants as to the outcome of their funding applications, informing them of Council’s decision and the requirements of the successful funding applications.

11.2.2 SUSTAINABILITY

11.2.2.1 2010/2011 FINANCIAL REPORT, STANDARD STATEMENTS AND PERFORMANCE STATEMENT

Annual Audit

51.020.001

Introduction

A Council must, in respect of each financial year, prepare an annual report containing:

- a report of its operations during the financial year;
- an audited performance statement;
- audited financial report; and
- audited standard statements

Background

The financial report and standard statements in the annual report must:

- be prepared in the prescribed manner and form;
- be submitted in their finalised form to the auditor for auditing as soon as possible after the end of the financial year; and
- be certified in the manner prescribed.

The draft standard statements (*refer attachment*) in the annual report must show any variations from the standard statements in Council's original budget and, if the variation is material, explain the reason for the variation.

The draft performance statement (*refer attachment*) is required to be audited and must:

- outline the performance targets and measures set out in relation to the achievement of the business plan in respect of the year described in the Council Plan;
- describe the extent to which the business plan was met in that year having regard to those targets and measures, and if the statement shows that Council has failed to substantially achieve the targets set out in the business plan, Council must ensure that a copy of the statement submitted to the Minister is accompanied by a written explanation of why Council failed to achieve those targets.

The annual report must be submitted to the Minister within three (3) months of the end of each financial year (by 30 September 2011) or such longer period as the Minister may permit in a particular case.

After the annual report has been submitted to the Minister, the Council must give public notice that the annual report has been prepared and can be inspected at the Council office.

After it has received a copy of the report of the Auditor under section 9A of the Audit Act 1994, a Council must:

- give public notice that it has received the copy and that the copy can be inspected at the Council office; and
- ensure that the copy is available for public inspection at any time that the Council office is open to the public.

A Council must hold a meeting to discuss its annual report once each year. The meeting:

- must be held as soon as practicable but within one month after providing the annual report to the Minister;
- must be advertised at least 14 days before it is held stating the purpose of the meeting and the place from which copies of the annual report can be obtained before the meeting; and
- must be kept open to the public while the annual report is discussed.

The following table summarises the 2011 annual report timetable:

Date	Who	Activity
29-30 August	Richmond, Sinnott Delahunty (external auditor)	External audit conducted
31 August	Audit Advisory Committee	Endorse financial and performance statements in consultation with external auditor
20 September	Council	<ul style="list-style-type: none"> • Approve financial and performance statements in principle pending sanction by the Victorian Auditor General • Authorise two councillors to sign certification of financial and performance statements
24 September	Victorian Auditor General	Expresses opinion on financial and performance statements
25 September	Appointed signatories	Certify statements
30 September	Responsible officer	Annual report submitted to Minister
October	Council	Annual report available for public inspection

Issues

The draft consolidated Standard Statements and Financial Report of the Rural City of Wangaratta for the period 1 July 2010 to 30 June 2011 have now been prepared in accordance with the Australian Accounting Standards (***refer attachment***).

The following notable points are highlighted from the draft 2010/2011 Financial Statements:

REVALUATION OF NON-CURRENT ASSETS

Transition to the Fair Value Basis

Australian Accounting Standard (AASB) 116 - 'Property, Plant and Equipment', Clause 29 requires that an entity shall choose either the cost model or the revaluation model as its accounting policy and shall apply that policy to an entire class of property, plant and equipment.

Further, Clause 31 provides that "After recognition as an asset, an item of property, plant and equipment whose fair value can be measured reliably shall be carried at a re-valued amount, being its fair value at the date of the revaluation less any subsequent accumulated depreciation and subsequent accumulated impairment losses. Revaluations shall be made with sufficient regularity to ensure that the carrying amount does not differ materially from that which would be determined using fair value at the reporting date".

Council officers have given consideration to the values of all non-current assets carried at fair value and determined that the carrying amount of Land, Land improvements, Sealed Roads, Gravel Roads, Kerbing, Footpaths, Bike paths, Bridges and Buildings, be re-valued in order to reflect market movements since the last revaluation at 30 June 2010.

Consultation

Council engages an independent contractor to undertake a condition survey of its entire road network on a three year cyclic program. These surveys provide an accurate assessment of asset lives and condition.

Advice has also been sought and received from Richmond, Sinott & Delahunty, Council's external audit contractor and reliance placed on AASB 116 'Property, Plant and Equipment'. The revaluation of property and infrastructure assets resulted in increases (decreases) to the following Asset Revaluation Reserves:

	2011	2010
	\$	\$
Land	4,119,353	-
Land Improvements	(649,248)	-
Buildings	(1,106,298)	-
Sealed Roads & Substructure	10,989,393	23,863,906
Gravel Roads and Substructure	3,456,228	1,381,939
Bridges	(158,914)	2,888,999
Kerbing	244,310	953,521
Footpaths	400,676	(337,751)
Bike paths	(820,497)	(130,561)
Total increase in revaluation reserve	16,475,003	28,620,053

FINANCIAL STATEMENTS:

A summary of financial comparisons between 2010 and 2011 follows:

Financial item	Note	2011	2010	Increase/ (decrease)
Cash and cash equivalents	19	\$14,949,553	\$12,235,146	2,714,407
Working Capital Ratio	44	208.66%	172.50%	31.16%
Total Receivables	20	\$4,966,131	\$3,919,542	1,046,589
Borrowings	29	\$9,138,855	\$9,638,617	(499,762)
Depreciation	12	\$9,437,687	\$9,430,779	6,908
Grant Income	7	\$16,287,921	\$17,210,471	(922,550)
Trade and other payables	27	\$3,625,141	\$3,405,715	219,426

STANDARD STATEMENTS:

The standard statements compare actual results to the adopted budget for the 2010/2011 financial year. Variances greater than 10% and \$200,000 are explained in notes to the standard statements.

Budgeted operating surplus was \$3.7M compared to Actual operating surplus of \$4.3M. This is due to receiving reimbursement for flood repairs and the first instalment of Grants Commission funding for 2011/12 in advance.

Approval In-Principle

In accordance with Section 131(7) of the Local Government Act 1989, the Council must not submit the standard statements, the financial report or the performance statement to its Auditor or the Minister unless it has passed a resolution giving its approval "in-principle" to the standard statements and the financial report.

Consultation

Extensive consultation has been undertaken with Richmond, Sinnot & Delahunty, Agent of the Auditor-General, during the preparation of the Standard Statements, Financial Report and the Performance Statement.

Additionally, the draft financial reports and performance statement have been approved by Council's Audit Advisory Committee at its meeting held on Wednesday 31 August 2011. Since that date various audit and Council officer recommendations have been actioned resulting in the draft Standard Statements, Financial Report and Performance Statement now attached

Certification

In accordance with Section 131(8) of the Local Government Act 1989, the Council must authorise two (2) Councillors to certify the standard statements, the financial report and the performance statement in their final form after any changes recommended, or agreed to, by the auditor have been made.

For the purposes of Section 131(3) of the Local Government act 1989, the Chief Executive Officer, Principle Accounting Officer and two (2) Councillors must certify the standard statements and financial report contained in the annual report in the required form.

Ms Ruth Kneebone, Manager – Finance is the Council's duly appointed Principal Accounting Officer.

It is necessary for the Council to designate two (2) Councillors to certify the financial report and performance statement.

Implications

Council Plan Outcomes

Council's objective is to ensure that its plans and budgets are both responsible and sustainable.

The Performance Statement details the achievement of Council against specific criteria and objectives for the 2010/2011 financial year.

Community Outcomes

The production of the Financial Reports and Performance Statement are a critical component in the management of Council's operations to ensure accountability and public disclosure in the delivery of services and programs to residents of the municipality.

Sustainability

Council's financial position

The Financial Report details the consolidated financial results of Council's operations, balance sheet and cashflows for the 2010/2011 financial year.

Council's Workplace

The Financial Report and Standard Statements detail the financial resources necessary for the organisational arrangements of Council.

Recommendation:

That:

- 1. the draft Standard Statements, Financial Report and Performance Statement of the Rural City of Wangaratta for the 2010/2011 financial year as endorsed by the Audit Advisory Committee on 31 August 2011, be approved 'in-principle; and***

2. the Councillor representatives on the Audit Advisory Committee be authorised to certify the 2010/2011 Standard Statements, Financial Report and Performance Statement of the Rural City of Wangaratta.

Communication

Public notification on the availability of the audited Standard Statements, Financial Report and Performance Statement will be given in the local media.

11.2.2.2 **FIRE SERVICES PROPERTY LEVY OPTIONS PAPER SUBMISSION**

Fire Prevention & Control

77.020.001

Introduction

The Victorian State Government is requesting community feedback on options for design and implementation of the proposed *Fire Services Property Levy* by issuing an Options Paper, with written submissions closing on 30 September 2011. This report identifies the most significant issues for Council and Council's response to these matters.

Background

On 30 June 2011 the Victorian Government released a *Fire Services Property Levy Options Paper (refer attachment)*, which describes a new property-based fire services levy (FSL) to replace the existing insurance-based levy. This is in response to a recommendation of the Victorian Bushfires Royal Commission that "the State replace the Fire Services Levy with a property-based levy and introduce concessions for low-income earners."

The commission noted that Queensland, South Australia, Western Australia and the ACT have all introduced funding systems for a FSL in the past 25 years "that require all property owners to contribute via a levy on property".

Issues

Issues for this Council in relation to the levy design include the following:

1. **Collection agency**

Local Councils and the state revenue office (SRO) are both feasible options for collecting the fire services property levy. The Department of Treasury and Finance estimates that the administration costs of either option would be broadly similar. These costs could be recovered from the levy.

Submission:

That the FSL be collected by the SRO for the following reasons:

- *The necessity to implement 79 individual council systems across the state will result in duplication of resources and inconsistency in application. A*

centralised administration would remove this duplication. One organisation with one IT system can administer a system more cost effectively and consistently than many different organisations;

- *The support required from the State to assist with implementation and administration will be inefficiently consumed by each council replicating systems development and collection procedures;*
- *Collection and hardship policies differ between councils which will result in differential treatment of taxpayers;*
- *The burden for debt collection and exposure for bad debts will fall to councils;*
- *Prioritisation of the levy in relation to council rates and garbage charges will create administrative difficulties when apportioning part-payments and debt collection recoveries;*
- *Councils and their employees currently undertake many varied roles. This will add another role to that diverse range of tasks;*
- *The levy is a state tax and therefore should be administered by a state authority. This form of collection is efficient from a government tier perspective;*
- *There will be difficulty in developing a formula to adequately compensate councils for the additional administration costs associated with the levy, whereas if the SRO is the collection agency, the actual costs incurred can be recovered from the levy itself;*
- *Considerable expense will be incurred to implement the system, both to upgrade systems and train local government staff;*
- *As the imposition and administration of land tax is a matter for the State, the infrastructure is already partly in place to administer the FSL. And as the funds raised would ultimately be returned to the State for distribution to the fire service agencies, there is little justification (except to relieve the State of the physical and financial burden of its collection) from imposing the obligation for its collection on Councils; and*
- *Residents and ratepayers will associate the levy with their local council and tend to consider it a municipal, rather than a state impost. This is not desirable from a local government perspective.*

2. MFESB and CFA

Under the current insurance-based arrangements, policy holders contribute to the fire service for the area in which their property is located. As a result, the owners of property outside the Metropolitan Fire District (MFD) area (serviced by the CFA) pay a higher rate of FSL than those inside the MFD (serviced by the Metropolitan Fire and Emergency Services Board [MFESB]). This difference arises because the relatively larger budget of the CFA is spread over a smaller pool of insurance premiums in the CFA area.

Maintaining separate levy rates for properties within the MFD and properties outside the MFD would be consistent with the existing funding arrangements.

Due to significant differences in the cost of providing fire services to different geographical areas, separate levy rates reflect the cost and quality of fire services provided within and outside the MFD.

The Royal Commission raised the possibility of establishing a single fund for CFA and MFESB services. A single levy rate is likely to be more economically efficient as it would spread the cost of funding both fire services over the broadest possible property base. A single rate would also mean that property owners in Victoria would all contribute to funding the fire services on similar terms, relative to the value of their property. However, it would necessarily re-distribute some of the costs of funding the CFA to metropolitan property owners.

Submission:

This Council supports a single statewide rate. Rationale for this position is:

- *whilst the CFA costs are relatively greater than the MFESB, the level of service is lower due to response times of volunteers compared to paid station staff, distance of travel to incidents and locality of resources. The redistribution of CFA costs to metropolitan property owners will compensate for this; and*
- *simplicity of administration.*

3. Funding requirements

Local councils currently contribute to fire services through their insurance premiums paid on their buildings and contents. These costs are passed on to residents through local council rates.

Submission:

Assurance will be required that the proposed FSL does not exceed the reduction in insurance premiums.

4. Tax Base

The proposal is to impose a FSL on real property, including non-rateable property, property owned by local councils and potentially the State Government.

Submission:

Should the levy be required to be paid on vacant, currently uninsured land owned by councils, this impost must be offset by the reduced FSL paid on current premiums, thus ensuring nil net cost to councils and ratepayers.

5. Valuation Base

There are three main property valuation options for a property levy:

- Site value, which is the value of the land only;
- Improved value, which is the value of buildings only; and
- Capital improved value, which includes the value of both land and buildings.

Submission:

Council supports 'improved value' as the most appropriate valuation base for the levy, thus ensuring that properties with capital improvements are responsible for protecting these assets.

Other matters addressed in the discussion paper in relation to levy design include the following:

1. Annual revision of the funding requirement and levy;
2. Fixed and variable charge;
3. Differential rates by property type;
4. Concessions;
5. Transitional arrangements; and
6. Monitoring.

Implications

Council Plan Outcomes

Council's 2009-2013 Plan includes an objective to ensure that Council's plans and budgets are both responsible and sustainable and a key strategic activity to focus on core business.

Sustainability

Council's workplace

Additional resources will be required in Council's rates and collection units should local government be appointed as the collection agency for the fires services levy.

Council's financial position

The proposal under the options paper to appoint local councils as the collection agency for the FSL will create a large administrative burden on local government with no benefits returned.

Conclusion

The levy is currently collected by the SRO in South Australia and the ACT and this is the preferred option for collection.

The Fire Services Property Levy options paper offers all Victorians the opportunity to make written submission until the 30 September, 2011. Legislation is to be introduced in early 2012 with implementation from 1 July 2013.

Recommendation:

That Council endorse the above submission in response to the Fire Services Levy Options Paper

Communication

The submission will be forwarded to the Department of Treasury and Finance and also considered as part of a joint submission from the North East Local Government Network.

11.2.2.3 SUBMISSION TO VICTORIAN PLANNING SYSTEM MINISTERIAL ADVISORY COMMITTEE

Planning Matters/ Issues

73.010.001

Introduction

Council has an opportunity to make a submission to the Victorian Planning System Ministerial Advisory Committee (the Committee) appointed by Minister for Planning, Matthew Guy. The Committee is to review the overall system and provide a report to the Minister by the 30 November, 2011.

This report addresses issues that should be considered in its submission.

Background

The Terms of Reference, requirements and outputs required of the Committee are outlined in detail in the attachments but the purpose of the Committee is stated as:

“The purpose of the Committee is to provide advice on ways of improving the planning system including the legislative base, the structure of planning schemes including the structure of state and local policy provisions, as well as regulations under the Planning and Environment Act 1987”.

The Committee has advised that it seeks submissions addressing the following questions:

- What’s good about the system?
- What works well and what doesn’t?
- What are the ways to fix the problems and improve the system?
- How can the planning system be more effective and efficient?
- How can the planning system be made easier to access and understand?
- Is the present planning system right for Victoria?
- Are the respective roles of the State and Local Government in the planning system still appropriate?

Issues

An overall review of the planning system has not been carried out for many years and the initiative of the Government provides an opportunity for all that use the system to have an input.

The complexity of the planning framework, after several attempts to simplify it, appears to be increasing.

Council, under the Act, has two distinct roles with regard to land use planning:

1. As a Planning Authority, to provide, amend and adopt a strategic land use focus building on the State Planning Policy Framework.

2. As a Responsible Authority, to consider and determine planning applications, defend its decisions at the Victorian Civil Appeals Tribunal (VCAT) and to enforce the provisions of the Planning Scheme.

In providing information to Council for consideration of its submission to the Committee, regard needs to be had to each of its roles.

Elements of the planning framework and system that should be reviewed and suggestions are outlined in a detailed report attached (***refer attachment***) to the agenda. Major issues for consideration are:

Planning & Environment Act 1987 (The Act)

Generally the Act supports the planning framework but it could be improved by considering:

- Updating the objectives of the Act to reflect environmental sustainability and the challenges posed for land use and development in a changing climate;
- Defining of the roles of Council as both a planning authority for strategic planning and responsible authority for statutory planning would be of benefit;
- Revising the role of referral authorities to remove the power of veto over applications that they currently have and to treat its views as a submission;
- Amending the Act to require a referral authority to attend any VCAT proceeding where its view has been instrumental in the decision making process;
- Amending the Act to include timelines to the Planning Scheme Amendment process to facilitate amendments and reduce the significant timelines that currently exist; and
- Appending Council's previous submission to the Act review as the issues are still relevant.

Victoria Planning Provisions (VPPs)

The standardised zones, overlays and particular provisions providing the basis of a Scheme have been beneficial.

The VPPs could be improved by:

- Regular review and consideration of their function. There are requirements for Council to review the Scheme every four years that may not result in wholesale change, but it is considered a similar review of the VPPs could also offer merit;
- The use of schedules to zones and overlays could be a tool to further provide local flexibility to a greater extent than what is currently provided for.
- considering a working group for VPP review where local government, as the provider of statutory planning services should have a significant role; and
- a full review of zones and consideration of Section 1, 2 and 3 uses, particularly lessening the prohibited uses and making more uses discretionary to fit and tailor to local circumstances.

Strategic Planning and Amendments to Planning Schemes.

The fact that an amendment to a Scheme can rarely be achieved within a calendar year must be addressed to ensure that the system provides a consistent and timely process for consideration of strategic matters in much the same way as it addresses statutory matters. Too often, statutory changes to Schemes lag years behind completion of strategic work undermining the commitment of all levels of government and community input into having the system work best for the desired outcomes reflected in strategic work. It is considered the system could be improved by:

- Reviewing the role of the Department of Planning and Community Development (DPCD) in considering amendments;
- Amendments of a local nature should only require approval by the Regional DPCD, not subject to further scrutiny by head office, in order to receive consent;
- An amendment should only be subject to the full process of authorisation and review if it is seeking to implement a new direction not currently outlined in Council's Municipal Strategic Statement;
- There is room for greater partnership in resources and funding between the State and Councils for strategic planning to make the best out of the framework provided; and
- There is a need to also review the level of strategic justification required for planning scheme amendments. This is one easy way to reduce the burden on Councils to keep the Scheme relevant to emerging growth trends.

Statutory Planning functions and roles

The planning scheme and the consideration of whether there is a need for a permit are growing in complexity. The scheme has become a catch-all system that has not considered for many years whether the need for a permit, and the consideration such an application goes through, adds value to the process.

To provide greater clarity and improvement of the system the following matters should be considered:

- The role and function of a referral authority should add value to the system and the power to remove the right of a responsible authority to make a decision should a referral authority object to a proposal should be reviewed;
- The Minister has announced that Code Assess applications are likely to be part of the new planning system where, subject to meeting certain provisions, an application must be fast tracked and assessed within a 14 day time limit. It would be a greater improvement to look at the range of applications that are to fall within the Code Assess framework and determine if they should be subject to planning approval and what value the process adds to the end result;
- The Planning Scheme layout has become complex to determine whether a permit is required. The zones or overlays are not the only places where permit triggers exist but reference to particular provisions is not as transparent to the community such as the car parking provisions or home occupation;

- In relation to the prescribed period for processing an application, ‘further information’ requests stop the processing clock. Frequently, only some of the information is provided or the additional details raise further issues requiring clarification. In such cases, where the responsible authority requests further information again, the clock should similarly stop, so as to not prejudice the 60 day time limit.
- The Scheme currently varies between prescriptive controls and performance based controls. The differing approach is confusing for the users of the system. Often, performance based controls result in no greater outcome than prescriptive controls where the minimum is met and the complexity of performance based controls should be reviewed;
- There is a need to have greater direction on the use of Section 173 Agreements and they should only be used where they are to have long term impacts such as the mandatory farming zone agreements. Where it is a short term solution, the use of permit conditions should be widened to include matters that are currently limited via the Act; provisions such as bonds and cash contributions;
- Zones that work well and generate a better quality of application are those that prescribe what information is required within the zone such as the Business 1 and Industrial 1 zones;
- A consistent and easy framework for development contribution plans should be established. This could be tiered according to metropolitan, regional or rural settlements;
- There is a need for an additional overlay which recognises buffer distances approved for an application or particular use. These developments require significant investment and should not utilise a tool to identify a buffer that has potential to create land use conflict when uses on surrounding land may be “as of right”;
- Achieving a better quality of application, the tools available and the need for an education program should be addressed as part of this review. Improved quality of applications will expedite processing and turnaround times.
- Cultural Heritage Management Plans triggered under the Aboriginal Heritage Act 2006 have further added to the complexity of the Scheme. If required, they are a significant cost and resource burden. They sit adjacent to the system, but do not allow the planning decision to be determined; as such there is merit for it to sit within the system and for it to be simplified.

VCAT’s role in planning system

There is a need to have a review body and to ensure this system is fair, transparent and open. Too often, hearings at VCAT are becoming the domain of the legal profession and the ability of the system to remain accessible and transparent is at risk.

- The Act should be amended to ensure that the application that was considered by Council when presented to VCAT is not so substantially different as to make a farce of the system.
- The ability to change an application or present a case that is not limited to the matters raised in lodging appeals and becoming a party to a hearing undermines the planning process.
- VCAT must give greater weight to local planning policy in decision making as it clearly takes on the role of the responsible authority in determining an application. Often, the weight of a zone or overlay, not why it was applied to that land, and the strategic intent are lost.

Enforcement

- Enforcement of the planning scheme is complex and costly with the burden of proof and evidence falling to Council not to the owner or person who has not complied with the Scheme or a permit.
- Without active enforcement and monitoring to seek Scheme and permit compliance, the system is undermined, so there is wide scope to improve the enforcement provisions of the scheme.
- The show cause, notice and order system under the Building Regulations have merit and should be considered in reviewing the enforcement provisions and penalties under the Act.
- There could be a role for a certification process that permit conditions have been met and that, prior to use or occupation, the owner/applicant must provide such documentation to Council.
- The structure of permits as considered in The Act review to have conditions that are for 'development' and 'on-going' could establish this and they could be tied to report/certification requirements.

Conclusion

The complexity of the task for the Committee is substantial. Whilst this review is underway there are also a number of other reviews of elements of the planning system occurring such as the review of car parking provisions and development contribution plans. It is strongly advised that such reviews should not be finalised until such time as the Committee has considered submissions received and provided a report to the Minister for planning.

Recommendation:

That Council endorse the draft submission to the Victorian Planning System Ministerial Advisory Committee as attached.

Communication

The submission will be forwarded to the Victorian Planning System Ministerial Advisory Committee.

11.2.2.4 SUBMISSION REGARDING CLEAN ENERGY BILL 2011 (EXPOSURE DRAFT)

Environmental Management Information

71.010.003

Introduction

This report contains details of Council's comment on the Federal Government Clean Energy Bill 2011. Consultation was opened by Department of Climate Change and Energy Efficiency (DCCEE) on 28 July and submissions were required by 22 August.

Background

The Clean Energy Bill (the Bill) establishes a carbon price which is expected to apply to around 500 of the nation's biggest polluters. The Bill defines:

- rules for who is covered and what sources of carbon pollution are included;
- liable entities' obligation to surrender emissions units corresponding to their carbon pollution;
- caps on the amount of carbon pollution from 1 July 2015;
- links to the Carbon Farming Initiative (CFI), by making carbon credits eligible for surrender; and
- trading, monitoring and enforcement provisions.

Issues

Council may be caught by the legislation as a direct emitter of greenhouse gases at Bowser Landfill. The Bill sets two thresholds for inclusion of a landfill. Landfill gas emitted is predominantly methane, having a stronger impact than carbon dioxide. Methane is expressed in carbon dioxide equivalents (CO₂-e) by multiplying methane amounts by a factor of around 25.

The Bill specifically includes local government as a potentially liable entity, sets the start date for 'new' waste (1 July 2011), and excludes landfills from consideration of the threshold that haven't received waste since 1 July 2008. Landfills emitting more than 25,000 tonnes CO₂-e are included. Smaller landfills (more than 10,000 tonnes CO₂-e but less than 25,000 tonnes) are included if they are within a distance of a large landfill (one that emits more than 25 000 tonnes CO₂-e). The proximity distance is unspecified and is to be defined in Regulations, yet to be released.

Although 'legacy waste' (deposited before 1 July 2011) is excluded from the carbon price, legacy emissions at a landfill are included in the threshold calculation. As the Bowser licence includes the closed section of Bowser landfill, it may be included in the calculation. Emissions are estimated to be above the 10,000 tonne threshold. If Bowser landfill is included, Council will be required to install expensive gas monitoring systems over the closed and open sections of Bowser landfill and engage consultants and auditors as part of the measurement and reporting process.

The following submission was made on behalf of Council responding to the above issues.

This Council supports measures to reduce greenhouse emissions, having adopted a 20% emission reduction target for Council operations.

However, a carbon price will have a cost impact for councils, particularly for the disposal of municipal wastes, construction of buildings and infrastructure, electricity, gas and fuel costs. The “Low Carbon Communities” program to provide funds to local government for efficiency measures is an important step to allow councils to reduce emissions and exposure to the impacts of the carbon price. This Council has made a submission regarding the conditions of that program.

The Rural City of Wangaratta also owns and operates a landfill for its community. The legislation excludes legacy emission from landfills, however, emissions from current landfills should also be excluded from the carbon price.

In Victoria, there is already environmental legislation requiring reduction of landfill emissions, therefore, a price does not enhance emission reductions. The National Greenhouse accounts state that estimated emissions from solid waste disposal decreased by 25.5% from 1990-2007. This decrease will only continue as current emission requirements are more stringent. Carbon pricing requirements only add an extra impost in cost and administration to Councils. The carbon price will actually be counterproductive as it reduces Council’s financial and operational capacity to meet its legislated requirements. If the issue is State differences in legislation, then this should be addressed through national standards not a carbon price.

Application of the carbon price to solid waste landfills is also a disproportionate application of legislation, contrary to the government’s stated intent to target big polluters. Figures from the Waste Management Association of Australia show 1.8% of the nation’s greenhouse emissions come from solid waste disposal on land.

With regard to the landfill sections of the legislation, it is impossible to adequately comment, when the clauses relating to proximity of landfills have not been defined. For a regional Council this is a key issue, especially with proximity to the NSW border. Cheaper landfill fees in NSW, resulting in part, from lower environmental requirements and different State levies, mean significant amounts of waste are delivered to Albury landfill from Victorian areas. The proposed distance thresholds are not being applied to a ‘level playing field’. There is also an absence of reliable, cost effective methods to measure waste emissions in order to judge emission thresholds in this section of the legislation.

The legislation does not allow for assistance to landfill operators to install monitoring systems or mitigate emissions. This should be included in the government Clean Energy package.

Implications

Council Plan Outcomes

The measures advocated are consistent with the Council Plan objective to “plan for and provide infrastructure appropriate to the community’s needs”.

Sustainability

Local Economy

If Bowser landfill is included in carbon pricing, gate fees at the landfill will increase for commercial businesses and domestic waste disposal.

Council’s financial position

Construction and utility costs will be impacted by the Clean Energy Bill.

Local Environment

Reduction of greenhouse gases is needed to arrest the impact of climate change, however as a licensed site, this can be achieved at the landfill by regulation without use of a carbon price.

Recommendation

That Council endorse this submission to argue that current landfill emissions should not be included in the carbon price as greenhouse gas reduction is already subject to EPA emission requirements and only 1.8% of the nation’s greenhouse emissions come from solid waste disposal on land.

Communication

The submission has been communicated to the Department of Climate Change and Energy Efficiency.

11.2.2.5 **ROADSIDE CONSERVATION - WEED MANAGEMENT GRANT**

Pest Control

75.060.002

Introduction

Grant funding has been secured from the State Government in the 2011/12 financial year for a program of coordinated weed and pest control on roadsides.

Background

Council has committed an annual budget of \$80,000 to this program on a recurring basis. Council’s required contribution towards this program in the 2011/12 financial year can now be reduced by gaining \$50,000 funding from round four of the Department of Primary Industries (DPI) “Building Capacity of Local Government to Respond to Pests” grants program. Council has been

fortunate to have secured several grants from state and federal governments in recent years. This allowed widespread weed control works last season. In 2011/12 this will continue with works conducted across most of the municipality.

The program has 3 components:

1. A priority control and containment program for Chilean Needle Grass (Weed of National Significance WONS), an emerging and high impact weed;
2. The control of a range of State Prohibited Weeds and other WONS; and
3. Landholder education including Chilean Needle Grass and other weed identification and vehicle and machinery hygiene. In 2010/11 this took the form of training sessions through Landcare groups and individual meetings with landholders.

Issues

This program will build on the weed control works and capacity building initiatives that Council has undertaken in previous rounds of State and Federal Government funding. This program allows continuing works on these various control programs and demonstrates an on-going commitment to weed control initiatives throughout the municipality. It will assist Council to achieve conservation objectives and also help landholders and Landcare groups in their on-going fight against pest plants and animals.

Last season weed growth was prolific. Given the same conditions are likely this year, works will firstly concentrate on roads with remnant native vegetation, and include other road reserves if funds permit. From last year's experience the majority of roadsides should be treated. The municipality will be divided into a number of areas for works by weed contractors who are familiar with that local area. Experience last season showed this to be a more effective approach than a single contract.

The program also aligns well with Councils longstanding Environment Enhancement Program to provide assistance to landholders to support their roadside weed control activities by making funds available through their local Landcare groups. This work is still important as it assists Landcare groups to:

- Conduct follow-up spraying;
- Target weeds not covered by the grant program;
- Undertake capacity building, field days and training events; and
- Weed mapping.

Implications

Council Plan Outcomes

Given the threat that weeds pose in the environment, the weed control program is a key approach to "responsibly manage the local environment".

Policies

The control of weeds on roadsides contributes to the conservation goals of the Roadside Management Strategy (2000).

Sustainability

Local Economy

An ongoing roadside weed program helps to protect agricultural land from weed incursion and assists the farming economy.

Local Environment

Weed control is a key step to conservation of remnant native vegetation on roadsides.

Council's Financial Position

The successful grant means Council's contribution to this project for the 2011/2012 financial year can be reduced by \$50K. State funding, is granted on a year by year basis, so future opportunities cannot be predicted.

Community Engagement

Landcare groups have been informed of the program and options in this year's Environment Enhancement Program.

Conclusion

Council's programs will now give a more effective conservation outcome in the long term, also benefitting local landholders and communities.

Recommendation:

That Council note the success of grant funding in enabling a broad roadside weed control program in 2011/12.

Communication

The rural community will be informed of the program through newspapers, local newsletters, and posters in local post offices and stores.

11.2.2.6 SOLAR NORTH EAST PROJECT – MEMORANDUM OF UNDERSTANDING

Solar Hub Project

71 040 .004

Introduction

The project manager of the Solar North East project, Mr Tim Schilling has sought legal advice in relation to a draft Memorandum of Understanding (MoU) that will regulate the operations of the project. The MoU articulates project functions, powers and governance protocols in relation to the Solar North East project. Council is required to adopt the MoU to enable the Project Steering Group to make decisions in relation to the appointment of contractors for the project.

Background

The Victorian Government has entered into a funding agreement with Towong Shire Council, under which it will provide funding for the implementation of the North East Solar PV Community Hub Project (The Project). The Project received \$500,000 funding under the Solar Photovoltaic Community Hubs program through Sustainability Victoria. The project is undertaken by a consortium of seven councils, including Towong, Alpine, Benalla, Indigo, Mansfield, Wangaratta and Wodonga.

The Project's objectives are to develop a package which brings together solar photovoltaic (PV) system supplier/installers, solar hot water suppliers, and water tank providers with a quality product and service, private sector finance providers presenting a discount finance package and local householder/businesses with an interest in installing PV systems.

This program will help communities reduce their carbon footprint, support innovation, develop Victoria's domestic solar sector, educate and inform potential adopters of solar technology as well as drive investment and job creation in the solar sector across north east Victoria. It is anticipated that The Project will facilitate installations that will generate over 4 Gigawatt hours of renewable electricity per annum.

Issues

Tenders have been advertised for PV providers and these closed on September 2, 2011. To enable the project steering group to appoint the successful tenderer/s, each participant to the agreement is required to endorse the MoU at its next formal meeting (***refer attachment***).

Implications

Council Plan Outcomes

Council's 2009-2013 Plan has an objective to assist the community to live sustainably within the environment and an associated action to provide information and active education on sustainable building development, waste disposal, energy and water use within the community.

Sustainability

Local Economy

Local economies will be stimulated by the direct generation of jobs through the implementation of The Project and indirectly by increased regional spend across many sectors – including fabrication of some components as well as electrical, plumbing and other specialist contractors.

Local Environment

The Project's objectives include the installation of 3,000 (3.0MW) of solar PV electric systems across the project area to eliminate more than 305,000 tonnes of CO₂ emissions over the life of the panels installed (30 years) – equivalent to removing almost 3,950 vehicles off Victorian roads.

Council's Financial Position

Council provides in-kind support only for this project through its representation on the steering committee.

Community Engagement

The Project has employed a full-time manager Mr Tim Shilling and is currently recruiting seven solar ambassadors for a period of 12 months.

Conclusion

Council is required to endorse the draft MoU to guide the functions, powers and governance protocols of the steering committee.

Recommendation:

That:

- 1. the draft Memorandum of Understanding for the Solar North East PV Community Hub Project be endorsed; and**
- 2. the Memorandum of Understanding be signed and sealed when available.**

Communication

The Project Manager, Mr Tim Shilling be advised of Council's determination.

11.2.3 COMMUNITY WELLBEING

11.2.3.1 2012/13 COMMUNITY FACILITY FUNDING PROGRAM

Sport and Recreation Funding Information

61.010.002

Introduction

Applications for the Department of Planning and Community Development's (DPCD) 2012/13 Community Facility Funding Program - Minor Facilities category are due to DPCD by 28 September 2011.

Background

The DPCD Community Facility Funding Program provides support for facility development and capital improvements that will have a positive effect on active sport and recreation participation.

The funding requirements of the Community Facility Funding Program - Minor Facilities category are as follows:

- Projects are able to be a maximum of \$500,000 total cost with a maximum grant of \$100,000 available;
- Projects requesting \$100,000 are required to be "exceptional" projects;
- Funding ratio is DPCD \$2:\$1 Local (ratio is only relevant up to a total project cost of \$150,000);
- Up to 25% of the total project cost is allowed as in-kind materials/labour; and
- A maximum of three applications can be submitted by Council requesting up to a total of \$100,000.

DPCD has announced the opening of the funding round for projects to commence in July 2012. An expression of interest process has been undertaken by Council officers to identify suitable projects for consideration by Council prior to submitting applications.

DPCD have indicated that projects need to be strong in relation to meeting the funding guidelines as the Community Facility Funding Program – Minor category has become a very competitive grants program (a primary aim of the program is to increase active participation).

DPCD also indicated they would be looking for projects that are ready to be implemented once funding announcements are made, for example, not waiting for building permit approvals or large amounts of fundraising to be achieved. A significant amount of supporting documentation is required to provide evidence and justification for requests and claims being made in the application.

Issues

One expression of interest has been received from the Moyhu Tennis Club. Other inquiries received regarding the funding program were from community organisations with projects that either did not meet the criteria or the project is

insufficiently developed for consideration under the funding program. The Community and Recreation Unit will continue to work with these community organisations to plan and develop their projects and investigate suitable funding options.

The Moyhu Tennis Club proposal is to redevelop two of the four hardcourts and construct lighting. The courts are non-compliant with current standards and are a significant safety issue. An application was made previously in 2010 for the same project however this was unsuccessful.

Meetings have been held on-site with DPCD to discuss the reasons for the application being unsuccessful. The following reasons were provided:

- the budget relied on a court rebate from Tennis Australia which was not guaranteed to be successful at the time of the previous application; and
- the court was to be surfaced with Plexipave which meant the Club would need to manage use, for example, youth would not be able to access with skates.

As a result a review of the project scope and budget has been undertaken. The two courts will now have an asphalt surface and lighting. Reducing the scope to two courts and changing the surface has reduced the costs significantly resulting in the Club no longer requiring a loan or court rebate, however the Club is reliant on Council agreeing to make a contribution of \$30,000 towards this project.

Should the funding application to DPCD be successful an application can then be made to Tennis Australia for the court rebate. This application cannot be submitted until other funding is confirmed as the use of this funding is strictly to be within a 12 month period of receiving the rebate. Tennis Australia has provided a letter of support indicating the Club now meets the criteria to receive the rebate.

Moyhu community members have worked hard to re-establish the tennis club over the last two years, however recently the member numbers have reduced due to the condition of the courts. Currently the membership is approximately at 64. The Moyhu Tennis Club participates in the Ovens & King competition however are unable to use the Moyhu courts for matches and can only use the courts for training purposes.

Discussions with DPCD support the submission of the Moyhu Tennis Club project for consideration.

The project is supported by the following:

- detailed planning;
- detailed quotes;
- evidence for in-kind and cash contributions;
- letters of support;
- supporting DPCD forms (code of conduct, schedule of use, project management framework, in-kind);
- planning/building permits are not required;
- satisfies the criteria for a project that will support an increase in participation; and

- will provide multi-purpose use.

Project budget details are as follows:

Organisation & Project	Project	Total Project Cost	Community Contribution	Contribution sought from Council	Contribution sought from DPCD
Moyhu Tennis Club	Redevelop two of the four existing tennis courts and construct lighting.	\$140,830	\$5,330 cash \$25,500 in-kind	\$30,000	\$80,000

Implications

Council has made an allocation of \$30,000 in its 2011/2012 budget to contribute towards applications for the Community Facility Funding Program – Minor Facilities category.

The application submitted to the 2010/2011 Community Facilities Funding Program for this project had a different scope and consequently the contributions from both Council and the Moyhu Tennis Club were different. In the previous application a contribution of only \$10,000 was asked of Council however this was because the Tennis Club was going to pursue a loan at that time. A loan is not being considered for the 2011/2012 application due to concerns from the Club that they may not be in a position to repay a loan.

The refurbishment of the Moyhu tennis courts and the provision of lighting are both identified in the Moyhu Community Plan.

Council Plan Outcomes

Objectives:

1. Improve access to both local and regional sport and recreation opportunities to improve health and wellbeing; and
2. Provide high quality passive and active recreational opportunities, together with significant sporting events.

Key Strategic Activities:

1. To undertake a planned approach to maintaining and improving quality and accessible recreation and sporting facilities and programs; and
2. To encourage the greater use of recreation facilities including formal sports facilities, open spaces, shared paths and aquatic centres.

Policy Reference

Council's Recreation Plan supports working in partnership with organisations and communities to ensure access to a wide variety of recreation participation opportunities.

Community Outcomes

High quality and accessible facilities for sport and active recreation will assist in improving the health and well being of the community.

Financial Impact

Council has made an allocation of \$30,000 in its 2011/2012 budget to contribute towards applications for the Community Facility Funding Program – Minor Facilities category.

Conclusion

Should the expressions of interest from the Moyhu Tennis Club be supported by Council, officers will work with the Moyhu Tennis Club to develop a comprehensive application addressing the funding category criteria and then submit to DPCD by the due date of 28 September 2011.

Recommendation:

That Council supports the development of an application under the Victorian Government's Community Facilities funding program for the Moyhu Tennis Club to redevelop two tennis courts.

Communication

Advice will be provided to the Moyhu Tennis Club informing them of Council's decision and the requirements of the grant application.

11.2.3.2 COMMUNITY PLANNING PROGRAM – PROGRESS UPDATE

Rural Towns Development Program/ Community Planning

68.020.003

Introduction

This report is to provide Council with an update of the Community Planning Program.

Background

A table is provided that provides the status of each community plan and a listing of the three projects examples for each community (***refer attachment***). Communities are at different stages with the progress of their community plan.

An approach is being encouraged for each community to use the review of their plan as an opportunity to reflect on their successes and determine how the projects yet to be achieved may be completed. The community is then encouraged to think more strategically to identify ways to strengthen their community.

A questionnaire has been distributed to all of the “community champions” to obtain permission for their details to be used to establish a community contact data base. Permission has been provided from those who have responded to use the database by Council and other agencies as a communication resource in times of emergencies and other purposes when specific local information is required. There has been a 70% positive response to date which is a very promising outcome.

To date opportunities for engagement of the urban community have been taken in responding to issues raised by the community, for example:

- the ‘West End’ sector of Wangaratta recently experienced vandalism issues and the development of a meeting place for the residents of the Rangeview Avenue area;
- the recent concerns regarding the closure of Mitchell Avenue public toilets (now re-opened from dusk to dawn), has generated interest from a group of residents eager to identify ways to address other issues the community is facing; and
- a group of young people aged 18 – 25 have identified the need within their own cohort for suitable entertainment to be provided as a means of keeping young people within this age group in the area.

A table outlining the progress of Urban Engagement is provided (*refer attachment*).

Implications

Council Plan Outcomes

Complete the Community Planning Program while encouraging groups and individuals who have not as yet become involved in the process to be engaged.

Integrate the outcomes of the Community Planning Program within Council’s planning process and other agencies and levels of Government.

Sustainability

The Community Planning Program is continuing to achieve outcomes that support the development of stronger and healthier communities with the implementation of the Community Planning Framework which is linked to the Community Grants program.

Community Engagement

Community planning is a significant component of Council’s Community Engagement Strategy.

Conclusion

It is proposed that a quarterly report be provided to Council on the progress of the Community Planning Program as a means of informing Councillors of the activity occurring in communities.

Recommendation:

That Council note this report and support opportunities being identified for projects from Community Plans.

11.2.3.3 EXTENSION OF HOURS – OLYMPIC POOL

Aquatics Planning Study

61.040.004

Introduction

An allocation has been made in the 2011/2012 budget to provide extended hours at the Olympic Pool during the outdoor pool season. This report considers the data collected on the attendances during the extended hours in 2010/2011 in order for Council to consider what hours to provide at the Olympic Pool during the 2011/2012 pool season.

Background

Council determined at its meeting on 16 November 2010:

That Council approve the additional hours at the Olympic swimming pool as detailed in this report and make appropriate provision in its revised 2010/2011 budget.

As a result, the following hours of operation were implemented at the Olympic Pool for the 2010/2011 outdoor pool season:

Weekdays

6.30 am – 11.30 am and 3.30 pm – 8.30 pm December/January/February; and
6.30 am – 8.30 am and 3.30 pm – 7.30 pm November/March

Weekends

1.00 pm – 8.30 pm December/ January/ February; and
1.00 pm – 7.30 pm November/ March.

These hours were dependent on weather conditions. Schools and other groups continued to access the pools outside public opening hours by arrangement.

YMCA Victoria recorded the number of entries to the Olympic pool and the number of attendees for each hour of opening. This data was then considered in light of the weather conditions; including air temperature and relative humidity with a comparison to the 2009/2010 outdoor pool season.

Issues

Whilst attendances at the Olympic Pool in December were consistent across both years (1515 vs 1403) the overall attendance was higher for the 2010/11 season than the previous year, with February and March experiencing increases above

the previous year also. Although some of the attendances in February and March could be attributed to usage by school groups; this does not account for the marked increase in attendances in January (2367 vs 4942) (*refer attachment*).

An assessment of the hourly usage data shows that the majority of increased usage occurred during the afternoons, with only 411 attendances across the season between 6.30am and 8.30am; an average of 7.8 attendances per day. Evening attendance rates were only 852 attendances across the season after 6.30p.m, an average of 11.5 attendances per day. A breakdown of additional hours' usage is provided below:

	November	December	January	February	March
6.30am - 8.30am	1	67	285	38	2
8.30am - 11.30am	0	126	244	95	N/A *
6.30pm - 8.30pm	0	86	672	76	1

Note: Pool not open 8.30 – 11.30 am during March

Whilst peak usage for December and January generally fell within the core/standard opening hours for the pool, it is difficult to predict whether extended hours would have been more successful had warmer and more typical summer weather taken place.

Implications

Council Plan Outcomes

To encourage the greater use of recreation facilities including formal sports facilities, open spaces, shared paths and aquatic centres.

Conclusion

Given the unseasonably mild but high humidity summer and consequent issues with the comparison of the data with 2009/2010; it is proposed to extend the hours provided at the Olympic Pool during the 2011/2012 pool season as offered over the 2010/2011 season with one minor adjustment. The Olympic Pool does not open until 26 November 2011 so to avoid confusion it is proposed to commence the weekday additional hours to be provided in December/ January and February 2012 in November 2011 also.

Recommendation:

That Council approve the additional hours at the Olympic swimming pool as detailed below during the 2011/2012 outdoor pool season at a cost of \$27,700 (excl GST)

Weekdays

***6.30 am – 11.30 am and 3.30 pm – 8.30 pm
November/December/January/February; and***

6.30 am – 8.30 am and 3.30 pm – 7.30 pm in March

Weekends

**1.00 pm – 8.30 pm December/ January/ February; and
1.00 pm – 7.30 pm November/ March.**

Communication

Pending Council's decision YMCA Victoria will be advised and advertisements provided to promote the extended hours.

11.2.3.4 **YOUTH COUNCIL ACTION PLAN 2011/2012**

Youth Council

10.020.010

Introduction

The Youth Council Action Plan provides information regarding membership, vision and mission statements for the 2011/2012 Youth Council and outlines its proposed events, activities and anticipated budgets (***refer attachment***).

Background

The Youth Council Action Plan separates the Youth Council activities into five key areas, these being:

- Communication;
- Leadership Development;
- Community & Environment;
- Entertainment; and
- National Youth Week.

The many positive youth and community focused initiatives identified in the Youth Council Action Plan will have positive outcomes for the community and will connect young people.

Issues

In developing the Action Plan the Youth Councillors have taken into consideration a number of pre-determined activities and have also developed several new initiatives.

Implications

Council Plan Outcomes

The Youth Council Action Plan meets Council's objective of involving young people in the planning of their environment and activities within the community.

Financial Impact

The costs related to activities identified within the Youth Council Action Plan will be met within Council's existing budgetary allocation.

Conclusion

As a consequence of all the above, the many positive youth and community focused initiatives identified in the Youth Council Action Plan will have positive outcomes for the community.

Recommendation:

That the Youth Council Action Plan 2011-2012 be endorsed.

Communication

The Rural City of Wangaratta Youth Council will be informed of Council's decision.

11.2.3.5 FEES AND CHARGES FOR THE OPERATION OF THE WANGARATTA ANIMAL SHELTER (POUND)

Animal Pounds

58.040.004

Introduction

A tender for the Provision of Animal Management Services has been undertaken and approved under delegation by the Chief Executive Officer in June 2011.

Background

The RSPCA have operated the Wangaratta Animal (Pound) Shelter since October 2001 under an agreement with Council that expired in June 2005. There was a provision for the agreement to continue under an overholding clause until either party provided 6 months' notice for expiration. The RSPCA were suitably notified that Council would be going to tender for the service with specifications being issued in May 2011.

A significant review of the service and specifications was undertaken before the service was placed out to tender. This service is only for the provision of Pound activity for domestic animals and does not include farm stock. The RSPCA was the only respondent. After an assessment process was completed the contract was awarded to the RSPCA in July 2011.

The following services will continue to be provided by the RSPCA:

Pound facilities and Care of Impounded Animals

The pound facility is managed in accordance with the Code of Practice for the Management of Animals in Shelters and Pounds.

Disposal of unclaimed impounded animals

Animals impounded for the Statutory Period and not claimed by any person become the ownership of the RSPCA who may dispose of these animals by rehousing or humane euthanasia.

Release of Animals

Animals are released from the pound to the owner or owners' representative on payment of the appropriate release fee. Any additional costs such as veterinary fees, transport costs, etc incurred are paid by the owner.

Injured Animals

Appropriate veterinary care is organised for injured or sick animals while the animal is impounded. The reasonable cost of veterinary care is paid for by the owner as part of the release fee. If the owner is unknown or cannot be found the reasonable veterinary treatment is borne by the RSPCA.

Issues

Although fundamentally the delivery of the Pound service remains unchanged, the pricing structure has been altered and is now based on a 'user pay' system rather than being partially funded by Council as was the case under the previous arrangement.

Previously an upfront payment of approximately \$21,000 was paid to the contractor by Council then fees were collected by the RSPCA and paid to Council. The collection of fees consequently reduced Council's outlay although did not cover the full amount. The fees charged to the pet owner previously only consisted of a flat rate 'Release Cost' that did not change regardless of how many days the animal was cared for at the Pound, and without any transfer of cost to the pet owner for any veterinary care, vaccination and microchipping.

The new contract whilst maintaining a 'Release Cost' also applies additional costs for each day the animal is kept at the Pound. Costs incurred for other activity including veterinary care, microchipping and vaccination are also charged where relevant on top of the 'Release Cost' and daily fee.

Under the new contract Council no longer pays an upfront amount to the Contractor and the fees are maintained by the Contractor to cover costs this also provides an incentive for the Contractor to collect fees. However the Contractor must not charge more than the fee approved by Council and must not levy any additional fees or charges to the customer. Proposed fees and charges will be submitted to council for approval by February each year for the following financial year.

Implications

Council Plan Outcomes

Deliver services according to Best Value (value for money) principles and legislated standards.

Policies

Given the value of this Contract the Chief Executive Officer has the delegation to approve the Tender.

Sustainability

As previously mentioned the terms of the new contract no longer requires a financial contribution towards the operations of the Pound.

Conclusion

As the new contract was finalised in July 2011, the pricing structure for the pound was not considered as part of Council's annual review of fees and charges in February this year. Therefore, the new pricing structure needs to be considered by Council and endorsed if deemed appropriate (***refer attachment***).

The new contract is designed to promote responsible pet ownership in accordance with Council's Domestic Animal Management Plan (DAMP).

Recommendation:

That Council endorse the attached fee structure for the operation of the Wangaratta Animal Shelter.

Communication

The RSPCA will be advised of Council's decision. The revised pricing structure will be reflected in the *Wangaratta Rural City Council – 2011/12 Fees and Charges* and placed on display at the Wangaratta Animal Shelter.

11.2.3.6 ARTS CULTURE AND HERITAGE ADVISORY COMMITTEE MEMBER NOMINATIONS

Arts and Culture

67.010.006

Introduction

An Expression of Interest has been received for a vacancy on the Arts Culture and Heritage Advisory Committee (ACHAC) and assessed against the revised skills matrix.

Background

Given the staggered appointment process of Advisory Committees, one member's term has expired. Expressions of Interest were publically called for with one nomination received.

The nominee was assessed against the related skills matrix which reflects the skills required for ACHAC membership. In undertaking the process, the existing skills set of the existing committee members was also considered.

The following nominee is recommended for endorsement by Council:

- Kim Westcott

A copy of the skills matrix completed for this appointment is attached, (***refer attachment***).

Conclusion

To ensure the established staggered appointment process is maintained, it is recommended that this candidate be appointed for a three year tenure finishing on 30 June 2014.

Recommendation:

That Council appoint Kim Westcott to the Arts Culture and Heritage Advisory Committee for the period ending 30 June 2014.

Communication

The nominee will be notified of Council's decision and their interest will be acknowledged. Retiring member, Trish Gallagher, will be thanked for her contribution.

11.2.4 INFRASTRUCTURE SERVICES

11.2.4.1 PROPOSED ROAD CLOSURE – MASON STREET, WANGARATTA

Road Closures

83.035.002

Introduction

Council has received an application from the Department of Sustainability and Environment (DSE) seeking approval to discontinue a section of Mason Street, Wangaratta under Schedule 10, Clause 3 of the Local Government Act 1989.

The approval is being sought following a request from an adjoining land owner to purchase the section of road reserve from the Crown.

Background

A roadway (part of Mason Street) at the eastern end of Mason Street, Wangaratta currently provides access to the rear of commercial properties known as 2 (Lot 1) Mason Street, Wangaratta (Wangaratta Tile Centre) and Lot 2 Greta Road, Wangaratta (Tradelink Plumbing). Both properties have primary and alternative access from Mason Street and Greta Road respectively. Both properties are currently under the same ownership.

In September 2010, Council received a copy of an application from DSE seeking approval to discontinue the portion of road reserve along Mason Street as highlighted (i.e. shaded yellow) on the plan in the attached (**refer attachment**), in accordance with Schedule 10, Clause 3 of the Local Government Act 1989.

Council responded with the advice that although Council had no objection to the road discontinuance and associated sale, our preference would be that the whole of the eastern section of Mason Street (i.e. both sections shaded yellow and pink in the attached (**refer attachment**)) be sold and discontinued. This option would ensure Council are not left with a small isolated section of roadway with no real requirement for general public use.

Council requested that DSE approach the owner with Council's proposition including the following conditions:

- Removal of the road formation between the proposed western boundary of the western portion (yellow) and the entry to McAuliffe's Removals. This will prevent through traffic and also divert drainage from the northern side of the unused portion of Mason Street and obviate the need to place a drainage easement on the discontinued portion (yellow) of Mason Street; and
- Easements over all utility services (i.e. electricity, water and sewer) be placed on the discontinued portion/s (yellow and pink as required) as appropriate and to the satisfaction of the responsible authorities.

In March 2011, DSE provided Council with advice that the co-owner of the two (2) properties was interested in the purchase of both the sections of Mason Street as highlighted in the attached (**refer attachment**).

Issues

The section of Mason Street being considered for sale currently primarily serves as access to the south of the adjoining commercial properties commonly known as Wangaratta Tile Centre and Tradelink Plumbing. The land to the north is part of the 'Common' which access is obtained from several other access points along Mason Street and Greta Road.

The section of road is currently closed at the western end and does not provide for through traffic or alternative access to any other properties.

The road currently has a sealed pavement and kerb and channel at the south east end.

Therefore, in considering the above, it is felt that the only access required along this section of Mason Street for the general public is to access the two (2) adjoining commercial properties to the south.

Consultation

Advice on Council's position has been provided to the prospective purchaser via DSE.

It is recommended that Council discontinue the road and provide the appropriate advice in the Government Gazette.

Recommendation:

That:

- 1. Council resolve to discontinue the portion of road to the north of Lot 1 and Lot 2, PS609813, at the eastern end of Mason Street, Wangaratta in accordance with Schedule 10, Clause 3 of the Local Government Act 1989; and***
- 2. A notice to this effect be placed in the Government Gazette.***

11.2.4.2 PLANE TREE SURVEY RESULTS

Templeton Street	17340*
Gray Street	13130*

Introduction

The survey of the Templeton Street and Gray Street residents regarding a potential plane tree precinct has concluded and the results are presented within this report.

Background

At the May 2011 Council meeting, Council resolved to undertake a survey of the residents of Templeton Street between Green Street and the railway line and of Gray Street between Rowan Street and Evans Street. The survey was to determine;

- the level of support for a plane tree precinct;
- the preparedness of the ratepayers to pay for any powerline treatments; and
- what alternative tree species would be preferred if a plane tree precinct was not favoured.

A total of 25 surveys were sent to ratepayers of properties in Gray Street and 45 surveys to ratepayers of properties in Templeton Street.

Twelve further copies of the survey were provided to a representative of the Plane Tree action group upon advice that there were ratepayers who had not received a copy of the survey. Given that names and addresses were requested to be supplied on the completed survey it was believed that any duplicates would have been able to be identified.

Many of the survey forms were returned with a pro-forma attachment and a copy is provided for information. (*refer attachment*).

Issues

There were a number of surveys returned with no address or other means to identify the property they were from. It is also evident from the number of surveys returned that not every ratepayer has completed one.

Gray Street

The results from Gray Street indicate that between Templeton Street and Rowan Street there is a preference for a plane tree precinct, while between Templeton and Evans Streets there is not.

The survey showed nobody is prepared to pay for any powerline treatments and the attached document to the survey provided by most of the plane tree precinct supporters indicated that they believe it is Council's responsibility to finance any powerline treatment.

Of the alternative species offered for the street trees, the majority of the respondents from the section of Gray Street between Templeton Street and Evans Street preferred the Water Gum, with the Crepe Myrtle being the least preferred.

Templeton Street

The majority of the results from Templeton Street were in favour of a plane tree precinct. There were only two of the surveys supporting the plane tree precinct that were not accompanied by the pro-forma attachment.

There were no surveys, where the respondent could be identified, that indicated a preparedness to make any contribution to the treatment of the powerlines.

Implications

General comments on the pro-forma attachment on returned surveys.

There appears to be a belief within the plane tree precinct supporters that aerial bundling of the powerlines will remove the need to prune trees. This is not the case and trees will still need to meet the clearance requirements under the Electrical Line Clearance Regulations, even though the cables are bundled together. The new regulations have even increased the clearance requirements around aerial bundled cables further and while Council can apply for exemptions, it would appear that none have yet been awarded anywhere in the state under the 2010 regulations.

There is acceptance that the existing trees under powerlines are to be pollarded and to remain for a period of time being pollarded as line clearance regulations require. There is an expectation that spaces between trees will be planted out with plane trees and that any future pollarding will prove unnecessary due to the powerlines being aerial bundled. This under current regulations is not possible.

Comments on points raised in the pro-forma attachment on returned surveys

1. The heritage value of the plane trees is not the primary consideration in the determination of the support for a plane tree precinct. It is the future of the trees on the north side of Templeton Street, under the powerlines, that is the main consideration.

Council has been advised that the structure of the trees is poor and they need to be pollarded or removed. Council's main consideration is the duty of care owed to the general public in respect to the safety of these trees. Council has an obligation to also look to minimise future risk as replanting plane trees under the powerlines will potentially create the same problem again in the future.

2. While past pruning practices have contributed to the structural issues that exist in the trees under the powerlines Council is not requiring the resident ratepayers to pay for any of the pruning works nor is it holding them financially responsible.

As previously mentioned, even if the cables were aerial bundled, the Electrical Line Clearance Regulations will require minimum clearance distances between tree foliage and the bundled power lines.

3. When the grants under the powerline relocation scheme were first introduced, the minimum contribution from Council was on a dollar for dollar basis. Toward the end of the scheme, the minimum ratio in successful funding applications was one dollar grant to two dollars from Council.

At no time would the Powerline Relocation Committee fully fund the aerial bundling of power cables. Further to this, rumours were circulating late last

year that there was no more funding coming to the Powerline Relocation Committee for grants and this has been now been confirmed.

If the plane tree precinct supporters are expecting that the aerial bundling of the powerlines in Templeton Street could have been achieved without a contribution by Council, they appear to be mistaken.

4. These comments appear to reflect the belief that aerial bundled cables offer some panacea to pruning of street trees. It is not clear what 'irrevocable action' Council is planning to take.
5. The inclusion of the funding for aerial bundled cabling in Templeton Street into any future capital budget will be a matter for Council to decide.

With respect to the planting of infill trees along the southern side of Templeton Street, the residents of the three properties have not objected to the plane tree precinct and therefore should Council approve, these trees could be planted in the coming spring.

6. Council would argue that it is complying with tree management strategy, particularly Clause 6.1 under Urban Street where Council has a duty of care to ensure best management practices to **minimise risk to public** and property from Council's trees and vegetation.

Council will be acting under this duty of care when it pollards the plane trees under the powerlines identified by the arborist to be at risk.

7. As previously discussed the issue was not about removing all of the plane trees within Templeton Street but the management of the trees under the powerlines. Once the arborist had identified the structural issues with these trees Council has a duty of care to reduce the risk to the general public through pollarding or removing the trees.

While proponents of the plane tree precinct advised Council they had an arborist offering an alternate opinion on the method of pruning the trees, a written report was not forthcoming and therefore Council will act on the advice it has been provided.

8. The trees offered for selection were selected for their appropriateness for the location they were to be planted. The accusation that Council is somehow trying to impose a 'standardised, utilitarian treescape' is a little harsh as these species have proven to be well accepted throughout other parts of Wangaratta and had another species of tree been suggested by the ratepayers it would have been considered accordingly.
9. The majority of ratepayers of Gray Street in the section between Templeton Street and Evans Street have indicated they do not wish to be included within any plane tree precinct. Of these responses received, the majority expressed a preference for the Water Gum over the Golden Rain Tree and the Crepe Myrtle.

The species of tree that has been suggested to be planted in Gray Street where there are no powerlines is a Pin Oak. This is a tree that can grow to 14m and is deciduous. Pin Oaks would not be recommended under the powerlines and would require a root barrier as the roots can be invasive.

10. The undertaking of the survey is the first step for Council in determining what its vision for the streetscape of Templeton Street and Gray Street might be.
11. Difficult to comment on. Would appear to justify not making a decision at all.

The pro-forma attachment is quite clear that the ratepayers will not be contributing to any powerline aerial bundling or relocation underground. Given that the Powerline Relocation Committee is being wound up, there will be few grant sources that Council will be able to access to assist with the costs to undertake this work. Should Council determine to proceed with any powerline relocation works, then the costs will likely have to be fully funded by Council.

If Council were to proceed with the lower cost option of aerial bundling of the power cables (approx \$137,000), the issue around pruning of the trees will not be removed. The question would need to be asked whether the cost to the broader community in funding these works would be justified in the benefit received by the same broader community and whether greater benefit could be derived through spending this money elsewhere.

Next Steps

Short term

- The plane trees under the powerlines are planned to be pollarded in early September. Residents will have been advised the works are about to take place.

Longer term

- In Gray Street between Rowan and Templeton Street, the silky oaks designated as being unsound are to be removed;
- Unsound trees identified in the Arborist's report in Gray Street between Templeton and Evans Streets are to be removed;
- Subject to Council approval it is proposed that plane trees be planted on the southern side of Templeton Street outside Numbers 75, 77 and 79 and that plane trees be planted on the eastern side of Gray Street between Rowan Street and Templeton Street. Trees will all need to be planted with root barriers to minimise damage from roots to adjoining public and private assets;
- A project will be prepared for submission to the December budget review process to undertake the planting of Water Gums on both sides of the road in Gray Street between Templeton and Evans Street; and
- A project will be prepared for submission to the December budget review process to remove non-plane trees in Templeton Street and replace with plane trees.

Given it is unlikely that there will be any works undertaken on the powerlines, plane trees planted below will be required to be pruned or pollarded to ensure

Council's obligations under the Electrical Line Clearance Regulations are met. This will apply to both the existing trees that remain and any new infill plane trees planted along the north side of Templeton Street should future budget allocations allow.

Ratepayers, in determining to have a Plane Tree precinct, do so on the understanding that these trees can impact upon both public and private infrastructure. While Council will endeavour to minimise any damage through the installation of root barriers, there is still a significant risk that damage will one day occur.

Conclusion

The survey has confirmed the petition received in May from residents in Gray Street between Templeton and Evans Street that the majority of ratepayers do not wish to have a plane tree precinct in this section of Gray Street and that the preferred street tree is a Water Gum.

In Templeton Street and Gray Street between Rowan and Templeton Streets, the preference is for a plane tree precinct, however there is no preparedness of the ratepayers to contribute to any powerline treatment that would lessen or remove the need for Council to have to prune the trees to comply with Electrical Line Clearance Regulations.

Given the response to the survey by the ratepayers the recommendation to Council is as follows:

Recommendation:

That:

1. Council acknowledges:

- a. the majority of ratepayers in Gray Street between Templeton and Rowan Street and the majority of ratepayers in Templeton Street between Green Street and the railway line wish to have a plane tree precinct established within their streets; and***
- b. these ratepayers are not prepared to contribute to any of the costs to either establish this precinct or to relocate the overhead powerlines through aerial bundling or undergrounding but have these costs either met through a grant process that is currently discontinued or through Council's annual capital budget process.***

2. Council resolves:

- a. the trees under the powerlines in Templeton Street will remain and be pollarded in the future as required to comply with powerline clearance regulations;***
- b. a plane tree be planted this spring in the naturestrip on the southern side of Templeton Street outside each of numbers 75, 77 and 79 Templeton Street with accompanying root barriers;***
- c. A project submission be made to the December budget review for:***

- i. The replacement of trees in Gray Street between Rowan Street and Templeton Street with plane trees;*
 - ii. The removal of existing trees and replacement with Water Gums on both sides of the road in Gray Street between Templeton and Evans Street;*
 - iii. The replacement of non-plane trees in Templeton Street between Green Street and the railway line with plane trees;*
 - iv. The planting of plane trees in gaps between existing trees at one tree per property along the north side of Templeton Street between Green Street and the railway line; and*
- d. Given financial constraints and in light of the responses received to the survey no action is to be taken on aerial bundling or undergrounding of power cables at this time, subject to review should financial circumstances change.*

Communication

The ratepayers of Templeton, Rowan and Gray Streets impacted by this decision will be notified.

11.3 SPECIAL COMMITTEE REPORTS

Nil.

11.4 ADVISORY COMMITTEE REPORTS

11.4.1.1 ARTS CULTURE AND HERITAGE ADVISORY COMMITTEE REPORTS

Cultural/Arts Issues

67.010.006

Background

The Arts, Culture and Heritage Advisory Committee (ACHAC) held their last three, bi-monthly meetings on 06 April, 01 June and 03 August 2011.

06 April 2011 Meeting

Attendees: Ken Gaudion, Georgina Cusack, Lorraine Monshing, Cr Rozi Parisotto, Trish Gallagher, David Godkin, Rhonda Diffey, Justine Ambrosio – Cultural Development Officer, Ruth Tai – Director Community Wellbeing, Penny Hargrave – Manager Performing Arts Centre, Jemma Galvin – Box Office Coordinator.

There were no declarations of conflict of interest.

The following items were discussed at the meeting:

1. WPAC Box Office Coordinator role;
2. Jazz Festival Status;
3. Sculpture Award Viability Review status;
4. Wangaratta Art Gallery proposed Upgrade;
5. Wangaratta Art Gallery Logo Design;
6. ACHAC Charter Review;
7. Bi monthly Report, Arts, Culture and Heritage Services;
8. Heritage Planning Scheme, review of the list of 25 most vulnerable items in the municipality ;
9. WPAC Sponsorship Information- development of seat sponsorship marketing campaign and sponsorship prospectus; and
10. The Building Development Proposal on the corner of Murphy and Faithful Street.

01 June 2011 Meeting

Attendees: Loueen Twyford, David Godkin – PAC – Front of House Attended, Justine Ambrosio – Cultural Development Officer, Dianne Mangan –Gallery Director, Ruth Tai – Director Community Wellbeing, Cr Rozi Parisotto, Georgina Cusack, Joshua Ferguson, Ken Gaudion, Tina Thompson, Trish Gallagher, Lorraine Monshing.

There were no declarations of conflict of interest.

The following items were discussed at the meeting:

1. Sculpture Award Update, proposed new process for acquiring public art/sculpture.
2. Milawa Sculpture Installation
3. Draft ACHAC Charter
4. Tenure of current ACHAC members and future recruitment
5. Gallery Silver Jubilee Program
6. Bi Monthly Report for Arts, Culture and Heritage Services
7. Discussion regarding the Plane trees in Templeton Street
8. The Wangaratta Players and Wangaratta Arts Council 60 year anniversaries in 2011

03 August 2011 Meeting

Attendees: Loueen Twyford, David Godkin, Georgina Cusack, Rhonda Diffey, Trish Galagher, Cr Rozi Parisotto, Andrew Close – Director Infrastructure, Dianne Mangan – Gallery Director, Penny Hargrave – Manager Performing Arts Centre, Justine Ambrosio. – Cultural Development Officer.

There were no declarations of conflict of interest.

The following items were discussed at the meeting:

1. The Director of Infrastructure gave an overview of the work being undertaken on the Plane Trees in Templeton Street
2. The building development on the corner of Faithful and Murphy Street
3. ACHAC accepted new Charter
4. Tenure of current ACHAC members- review of ACHAC terms
5. ACHAC Minutes 6/4/11 Item 6.2- Amendment to Minutes
6. Meeting Procedures
7. Gallery Upgrade Presentation of Designs and Plans
8. Gallery Logo Options Presentation
9. Small Town Tour - 'The Weather and your Health'
10. Wangaratta Heritage Festival overview
11. Bi Monthly Report for Arts, Culture and Heritage services
12. Consideration of guest speaker list for ACHAC meetings in 2012
13. A combined end of year event for the Friends of the Gallery, Gallery Volunteers, WPAC volunteers, Friends of the Library and ACHAC.

Recommendation

That the report be noted.

11.4.1.2 YOUTH COUNCIL ADVISORY COMMITTEE REPORT

Youth Council

10.020.010

Background

The Youth Council Advisory Committee held a meeting on 04 and 18 August 2011.

04 August 2011 Meeting

Attendees: Aidan Dean, Jack Seymour, Bec Barnewall, Hazel Vaughan, Erin Ritchie, Elizabeth Hindle, Lachlan Thomas, Samuel Burbury, Bekk Hoppach, Natasha Young and Tim Van der Leeuw, Ruth Tai – Director Community Wellbeing, Cr Roberto Paino and Katy Hawkins – Community/Youth Development Officer.

There were no declarations of conflict of interest.

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

1. Election of Youth Mayor
2. Appointment of Youth Council Communication Officer
3. Appointment of Youth Councillors to develop the SCOPE magazine
4. Appointment of Youth Council Representative on Creative Youth Committee
5. Appointment of Youth Council representative on Wangaratta Youth
6. Service Providers Network
7. Appointment of Youth Council representative on the Sport and Recreation
8. advisory Committee
9. Appointment of Youth Council representative on North East regional Youth
10. Affairs Network

18 August 2011 Meeting

Attendees: Jack Seymour, Bec Barnewall, Lachlan Thomas, Samuel Burbury, Bekk Hoppach, Natasha Young, Tim Van der Leeuw and Yth Mayor Erin Ritchie, Ruth Tai – Director Community Wellbeing, Cr Roberto Paino, Mayor Cr Anthony Griffiths and Katy Hawkins – Community/Youth Development Officer.

There were no declarations of conflict of interest.

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

1. Y-Lead Conference - to empower young people to find out who they are so that they can become better leaders in the community.
2. Wangaratta Youth Card - list of services that are available to them locally.
3. Teenage Expo - inaugural Melbourne Australian Teenage Expo on the 16
4. September 2011.
5. Halogen National Young Leaders Day will be held in Melbourne on
6. 21November.
7. Youth Council have been invited to attend the launch of the new Eco-Living
8. Centre at HP Barr Reserve.
9. The Wangaratta Youth Survey is going to be undertaken by Youth Council as a means of finding out what issues are affecting young people in Wangaratta.
10. Creative Youth Committee Report
11. Australia Day Survey

Recommendation:

That the report be noted.

11.4.1.3 AUDIT ADVISORY COMMITTEE REPORT

Audit Advisory Committee

51.020.004

Background

Council's Audit Advisory Committee held its quarterly meeting on 31 August 2011.

Attendees: Frank Smith (Chair); Cr Anthony Griffiths, Mayor; Cr Ron Webb; Joanne Ryan; Jenny Ball; Doug Sharp, Chief Executive Officer; Ruth Kneebone, Acting Director – Sustainability; Aaron Currie, Acting Manager – Finance; Warren Sinnott of Richmond, Sinnott and Delahunty; Paul Goonan of Johnsons MME; Ailsa Box, Operations Accountant.

New member Jenny Ball was introduced and welcomed to the Committee.

Mrs Joanne Ryan was appointed to the role of Chairman for a period of twelve months.

Conflict of Interest: Jenny Ball declared a conflict of interest in item 6.3 as it referred to North East Health Wangaratta. Jenny is employed by North East Health Wangaratta

The following reports were deferred until the next meeting:

- Risk management policy, risk framework and processes, risk register;
- Building planning review; and
- Cash Handling Policy.

Other reports:

- 2010/2011 Revaluation of non-current assets, financial report, standard statements and performance statement;
- External auditor report;
- Internal audit progress;
- Whistleblower issues;
- Compliance/non-compliance with legislation/Council policies;
- Legal matters;
- Changes to accounting polices/accounting standards;
- New council polices and amendments;
- Chairman's report (*refer attachment*); and
- Audit committee self assessment.

Recommendation:

That the report be noted.

Communication

The retiring Chairman Mr Frank Smith's contribution to the Audit Committee will be acknowledged.

11.4.1.4 AGRICULTURE AND AGRIBUSINESS ADVISORY COMMITTEE REPORT

Agriculture and Agribusiness Advisory Committee

25.070.006

Background

Council's Agriculture and Agribusiness Advisory Committee held its inaugural meeting on 29 August 2011.

Attendees: Cr Lisa McInerney (Chair), Cr Anthony Griffiths, Mayor, Rosey Bennett; Harry Bussell; Graeme Norman; Lachlan Campbell; Vincent McKenzie; David Maples; Harvey Benton; Geoff Bussell; Joe La Spina, Doug Sharp, CEO; Graham Nickless, Executive Manager Economic Development; Ruth Kneebone, Acting Director – Sustainability, Tony Raven, Manager Business Planning and Systems.

There were no declarations of conflict of interest.

The following items were discussed at the meeting:

- 5 Charter and Role of Members – Doug Sharp
- 6.1 Ovens Aquifer – Doug Sharp
- 6.2 Agrifood Project – Graham Nickless
- 6.3 Revised draft Rural Land Strategy – background information – Doug Sharp
- 6.4 Saleyards Business Plan – Tony Raven

Recommendation:

That the report be noted.

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 Tuesday 6 September 2011 with the following members in attendance: Barry Sullivan; Stephen Oxley; Helen Haines; Grant Jones; Ken Butterworth; Greg Larkins; Wendy Lester; Guy Wilkinson; Cr Anthony Griffiths, Mayor, Cr Lisa McInerney; Doug Sharp, Chief Executive Officer; Graham Nickless, Executive Manager – Economic Development and Emma Keith, Manager – Tourism Development.

Greg Larkins and Grant Jones declared a conflict of interest for the South Wangaratta Urban Renewal report and left the room for duration of the agenda item discussion.

New members Wendy Lester and Guy Wilkinson together with Rural City of Wangaratta Tourism Development Officer Emma Keith were introduced and welcomed.

Barry Sullivan was appointed to the role of Chairman for a period of twelve months.

The following items were discussed at the meeting:

- Review process for the Economic Development and Tourism Strategy
- Role of newly established Regional Tourism Board
- Planned trade delegation to Suzhou.

Reports were received from the following committees or projects:

- Sports Tourism Project
- King Valley Masterplan
- South Wangaratta Urban Renewal Strategy
- Re-scoping Study – Ned Kelly Interpretive Centre
- Current tourism initiatives
- Alpine Valleys Agrifood Project/

The meeting closed at 8.05pm.

Recommendation:

That the report be noted.

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 which is either of the following:

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

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

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

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

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

DATE	MEETING DETAILS	REFER
06/04/2011	Arts Culture and Heritage Advisory Committee	Refer item 11.4.1.1
01/06/2011	Arts Culture and Heritage Advisory Committee	Refer item 11.4.1.1
03/08/2011	Arts Culture and Heritage Advisory Committee	Refer item 11.4.1.1
04/08/2011	Youth Council Advisory Committee	Refer item 11.4.1.2
09/08/2011	Draft Meeting Agenda and Deputations	Attachment
15/08/2011	Draft Rural Land Strategy Briefing	Attachment
16/08/2011	Ordinary Meeting of Council	Attachment
23/08/2011	Councillors’ Briefing Forum	Attachment
25/08/2011	Rural Action Wangaratta meeting with Council	Attachment
29/08/2011	Agriculture and Agribusiness Advisory Committee	Refer item 11.4.1.4
30/08/2011	Councillors Tour	Attachment
31/08/2011	Audit Advisory Committee	Refer item 11.4.1.3
06/09/2011	Wangaratta Unlimited Advisory Board (Committee)	Refer item 11.4.1.5

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) Draft Rural Land Strategy Briefing dated 15 August 2011:

1. Revised draft Rural Land Strategy – background papers.

(ii) Councillor's Briefing Forum dated 23 August 2011:

- 4.2.2.5 Proposed Mid Year Strategic Review
- 4.2.2.6 Calling Wangaratta Locals to Appear on White Pages and Yellow Pages Cover
- 4.2.3.2 2011/2012 Insurance Renewal
- 4.2.3.3 North East Greenhouse Alliance Projects
- 4.2.3.6 Submission to EPA Statutory Policy Review Discussion Paper P11-044 - Use And Development of a Dwelling, Warby Range Road, South Wangaratta
- 4.2.3.8 South Wangaratta
- 4.2.4.2 Wangaratta Sculpture Event Review
- 4.2.4.4 State Government Funding For Libraries
- 4.2.4.6 RSPCA - Provision of Animal Management (Pound) Services
- 4.2.4.7 Regional Advisory Councils - Call For Expressions of Interest
- 4.2.4.8 New Kindergarten - Wangaratta Children's Services Centre
- 4.2.5.3 Councillor's Tour
- 4.2.5.4 Merriwa Park Masterplan Options
- 1 Draft Rural Land Strategy Principles

13. NOTICE OF MOTION**14. URGENT BUSINESS**

15. AUTHORISATION OF SIGNING AND SEALING OF DOCUMENTS

Authorisation of Signing & Sealing of Documents

50.010.004

Recommendation

That Council sign and seal the North East Solar PV Community Hub Project Memorandum of Understanding.

16. PUBLIC QUESTION TIME

Public Question Time

10.020.004

17. CONFIDENTIAL BUSINESS**18. CLOSURE OF MEETING**