

WANGARATTA RURAL CITY COUNCIL



BUSINESS PAPER FOR THE ORDINARY MEETING
OF THE WANGARATTA RURAL CITY COUNCIL, TO BE HELD
IN THE CARBOOR HALL, CARBOOR
ON **TUESDAY, 21 AUGUST 2012** COMMENCING AT 7.00PM

Doug Sharp
CHIEF EXECUTIVE OFFICER

As at 17/08/12 3:52 PM

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1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

2. **OPENING PRAYER**

3. **PRESENT**

4. **ABSENT**

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

ORDER OF BUSINESS

6. **CITIZENSHIP CEREMONY**

Nil.

7. **CONFIRMATION OF MINUTES**

Recommendation:

That the Minutes of the Ordinary Meeting of Council held on 17 July 2012 and the Special Council Meeting held on 14 August 2012 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**

9.1.1.1 **PETITION – FOOTPATH FROM RANGEVIEW NURSING HOME TO GRETA ROAD**

Footpath Development Program

80.010.014

Background

A petition containing some 188 signatures from members of the community, submitted by Norma Lappin, resident at Rangeview Nursing Home has been received.

The petitioners request the provision of a bus shelter at the front of Rangeview Nursing Home and a footpath from Rangeview Nursing Home to Greta Road.

A copy of the petition has been provided to Councillors under separate cover.

Issues

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

Recommendation:

That:

- 1. the petition regarding the provision of a bus shelter at the front of Rangeview Nursing Home and a footpath from Rangeview Nursing Home to the Greta Road be received, and***
- 2. a report into investigations into the request within the petition be considered at the September Ordinary Council meeting.***

Communication

Norma Lappin and Rangeview Nursing Home will be advised of Council's determination on this matter.

9.1.1.2 PETITION – STREETSCAPING, LIGHTING AND FOOTPATHS

Footpath Development Program

80.010.014

Background

Two petitions containing a total of 1,307 signatures from members of the community, submitted by the South Wangaratta Action Group has been received.

The petitioners request the provision of streetscaping, lighting and footpaths from Tavern Terrace, along Mason Street past Rangeview Nursing Home to the Show Boat Tavern, and along Greta Road to Clarkes Lane.

A copy of the petitions has been provided to Councillors under separate cover.

Issues

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

Recommendation:

That:

- 1. the petitions regarding the provision of streetscaping, lighting and footpaths from Tavern Terrace, along Mason Street past Rangeview***

- Nursing Home to the Show Boat Tavern, and along Greta Road to Clarkes Lane be received, and***
- 2. a report into investigations into the request within the petition be considered at the September Ordinary Council meeting.***

Communication

The South Wangaratta Action Group will be advised of Council's determination on this matter.

9.1.1.3 PETITION RE: 24 HOUR SAFEWAY PETROL STATION PROPOSED TO BE SITUATED IN RYLEY STREET, WANGARATTA

47 Ryley Street, Wangaratta

6999

Introduction

Two petitions/ joint letters containing some 150 signatures from members of the community have been received wishing to draw Council's attention to the proposed 24 hour Safeway Petrol Station to be situated in Ryley Street, Wangaratta.

A copy of the petitions/joint letters has been provided to Councillors under separate cover.

Issues

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

The Planning and Environment Act sets out a process for consideration of submissions and objectives in regard to proposed developments. These submissions should be dealt with as part of Council's consideration of that application.

Recommendation

That the petitions/joint letters regarding the proposed 24 hour Safeway petrol station be received and the submissions be taken into account as part of Council's consideration of the planning application for the proposed Safeway Petrol Station.

Communication

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

10. HEARING OF DEPUTATIONS

11. PRESENTATION OF REPORTS

11.1 COUNCILLOR'S REPORTS

11.1.1.1 NEVRWASTE BOARD MEETING

NevRWaste

72.010.002

Introduction

Cr Ron Webb attended the NEVRWASTE AGM & Board meeting on Thursday 12 July 2012 as the Environment Portfolio holder. The Directors from the seven member Councils and three member Alpine Areas were all in attendance plus a representative from Sustainability Victoria and several Council Technical Officers.

Issues

Matters of Governance

- A revised Risk Register was presented.
- A new Gifts and Hospitality Policy was adopted.
- July-May 2012 financial reports were accepted.
- The impact to the organisation and recognition of Long Service Leave entitlements for employees with eligible prior service under the new EBA was addressed endorsed.
- The Internal Auditor's schedule was revised to include a review of GST procedures.
- A selection panel for appointment of a new Independent Audit Committee member was established.
- An amendment to the constitution, subject to Ministerial approval, allowing "Alternate Directors" was adopted.

Presentations & Topics Discussed

Executive Officer's report:

- A scope of work to enable development of updated landfill schedules and assist with RWMP development being conducted by Sustainability Victoria, which NevRwaste will trial, was presented.
- An update was provided on the \$275,000 which has been made available to the region by Sustainability Victoria for the introduction kerbside organics collections in Indigo, Towong and Wodonga and support a region wide education program.
- The amendment of regulations for the landfill levy distribution for FY2012/13 was presented.
- A project update was presented on the seventeen separate Business Plan activities which were planned for FY2011/12

Draft 2012-15 Business Plan

The EO provided a Business Plan presentation for FY2012/13 in addition to a Budget analysis. The business plan was adopted. It details programs to be delivered within the five priority areas addressing ten key objectives:

Priority Area - Organics Diversion

1. Increase the diversion of food and garden organics from the municipal waste stream.
2. Increase the diversion of food and garden organics from Small to Medium Enterprises (SME) and other Commercial and Industrial (C&I) sources.

Priority Area - Resource Recovery

3. Increase the tonnages and variety of materials recovered in the region.
4. C&I resource recovery activities of Members co-ordinated and planned for within the region.

Priority Area - Security Residual Waste

5. High quality waste management planning within the region.
6. Rehabilitation of priority old landfill sites.

Priority Area - Community Engagement & Education

7. Reduce Household waste generation.
8. Households properly using kerbside and drop off systems to maximise resource recovery.
9. Improved Away From Home (AFH) recycling and reduced litter.

Priority Area - Governance & Compliance

10. High quality governance & compliance with statutory requirements.

Technical Advisory Committee (TAC)

A summary of issues faced about the regions, development of new business plan projects. The TAC's effort to establish a regional contract review panel was also discussed.

Sustainability Victoria (SV) Report

A report was presented by Kirsten Halstead of Sustainability Victoria on:

- New SV structure
- The Integrated Waste Division
- New Funding Rounds
- Role of Stakeholder Relationship Managers

Recommendation

That the report be noted.

11.2 OFFICER'S REPORTS

11.2.1 EXECUTIVE SERVICES

11.2.1.1 COUNCIL PLAN – PROGRESS REPORT

Council Plan

20.030.001

Introduction

A report is provided on Council's performance against the Council Plan for the period 1 April 2012 – 30 June 2012 (*refer attachment*).

Background

Part of Council's mission is to provide the leadership necessary to maintain open communication and consultation. Providing regular reports to the community on Council's progress in achieving the objectives and strategies of the Council Plan contributes to this.

Highlights:

- Adoption of 2009-2013 Council Plan Adjusted 2012;
- Adoption of 2012-2013 Annual Budget;
- Opening of the Ovens River Link;
- South Wangaratta Urban Renewal Strategy;
- Charles Sturt University's Wangaratta Campus announcement;
- Substantial government and private sector investment in Wangaratta's CBD (Department of Justice Offices, Courthouse Refurbishment, Co Store development and RSL development);
- Adoption of the South Wangaratta Urban Renewal Strategy;
- Successful funding application to the Regional Development Australia Fund for \$2,462,000 and \$715,000 approved by the Victorian State Government for the Ovens Riverside Project;
- Completion of the Reseal Program works of \$1 million;
- 20 nominations received for 2012/2013 Youth Council;
- 200 participants in Volunteer Week event;
- The Wangaratta Art Gallery exhibitions program attracted 11,399 visitors over the past three months – April, May and June 2012;
- A high attainment was achieved by Community Support North East in a recent Disability audit;
- Saleyards - project commenced to assess economic value;
- Draft 2 Rural Land Strategy adopted by Council; and
- Progress report on outcomes of Deliberative Democracy presented to Council, showing substantial achievements.

Challenges:

- Continuing frustration in gaining approval from the environmental auditor to continue works on the construction of Cell 8 at Bowser landfill;

- Unsuccessful application for capital funding from the Victorian State Government for the completion of the Children's Services Centre;
- Awaiting clarification on any impacts that GO TAFE budget cuts may have on the services provided by the Wangaratta Library ;
- Future auspice for the Rural City of Wangaratta Community Raffle still unresolved; and
- Downsizing of State Government agencies.

Recommendation:

That Council receive the Council Plan Progress Report for the reporting period 1 April 2012 – 30 June 2012.

11.2.1.2 **DIRECTORATE ACTIVITY REPORTS**

Council Plan

20.030.001

Introduction

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

Background

A report is provided on the organisation's activities for the period 1 April 2012 – 30 June 2012.

Issues

This report describes those activities of Council which were undertaken during the reporting period and which are neither subject to an individual Council Report nor detailed in the Council Plan Progress Report.

Directorate Activity Report for 1 April 2012 – 30 June 2012 attached (***refer attachment***).

Recommendation:

That Council receive the Directorate Activity Report for the reporting period 1 April 2012 – 30 June 2012.

11.2.1.3 2012 COMMUNITY SATISFACTION SURVEY

Customer Surveys/Community Satisfaction Survey

20.030.005

Introduction

A report on Council's performance in this year's annual Local Government Community Satisfaction Survey has been released. The report, prepared by JWS Research, follows an independent survey conducted by them on behalf of the Department of Planning and Community Development.

Background

For over a decade the Rural City of Wangaratta has participated in an independently conducted annual Local Government Community Satisfaction Survey. The survey provides an opportunity to benchmark the Rural City of Wangaratta's performance against other Regional Centres, as well as State-wide results.

Some important factors need to be taken into account with regard to Council's performance in this year's survey, these being:

- due to changes to the survey content and methodology, recommended through an extensive consultation process, the data is not directly comparable to previous years;
- this year's results should be seen as a benchmark, one of the reasons being that the survey is now conducted as a representative random probability survey of residents aged 18 years or over in local Councils, whereas previously it was conducted as a 'head of household' survey; and
- comparisons can be made to the overall State-wide result and Council's relevant group - Regional Centres. Tracking comparisons will be possible in future years.

Issues

Core Performance Areas

In the core performance areas, Council's performance rating, when compared with the State-wide and Regional Centre's results is excellent.

- Council recorded an Overall Performance Index Score of 66. This is significantly higher than the average of 60 recorded State-wide and by the Regional Centres group.
- With regard to Council Direction (in the last 12 months), Council recorded an Index Score of 57. This is significantly higher than the average of 52 recorded State-wide and by the Regional Centres group.
- An Index Score of 72 for Customer Service is on par with the State-wide average of 71 and the Regional Centres average of 72. It is based on the 59% of Council residents who have had contact with Council in the last 12 months.

- 58 for Community Consultation and Engagement is slightly higher than the State-wide average of 57 and the Regional Centres average of 56.
- 56 for Advocacy (Lobbying on Behalf of the Community) is on par with the State-wide and Regional Centres average of 55.

Measure	RCoW	State-wide	Regional Centres
Overall Performance	66	60	60
Community Consultation and Engagement	58	57	56
Lobbying on Behalf of the Community	56	55	55
Contact Customer Service	72	71	72
Overall Direction Last 12 Months	57	52	52

Service Areas

In specific service areas, the Rural City of Wangaratta's results were outstanding.

In summary, across all service area measures of performance the Rural City of Wangaratta is higher than or on par with results for the Regional Centres group.

Only one area, Parking Facilities, was below the State-wide average. This is an area expected to receive better results with the provision of a multi-deck carpark in Wangaratta's CBD as part of the CoStore redevelopment.

Of particular note are the results for:

- Art Centres and Libraries where Council recorded an Overall Performance Index Score of 84. This is significantly higher than the average of 73 recorded State-wide and 74 by the Regional Centres group.
- Appearance of public areas where Council recorded an Overall Performance Index Score of 78. This is significantly higher than the average of 71 recorded State-wide and by the Regional Centres group.
- Recreational Facilities where Council recorded an Overall Performance Index Score of 76. This is significantly higher than the average of 70 recorded State-wide and by the Regional Centres group.
- Business and community development and tourism where Council recorded an Overall Performance Index Score of 69. This is significantly higher than the average of 62 recorded State-wide and by the Regional Centres group.

Measure	RCoW	State-wide	Regional Centres
Condition of local streets and footpaths	61	57	57
Traffic Management	61	58	60
Parking Facilities	51	56	50
Enforcement of local laws	73	65	68
Recreational Facilities	76	70	70
Appearance of public areas	78	71	71
Art Centres and Libraries	84	73	74

Measure	RCoW	State-wide	Regional Centres
Community and Cultural Activities	73	68	70
Business & community development & tourism	69	62	62
Environmental Sustainability	66	64	63

Implications

Council Plan Outcomes

The annual Local Government Community Satisfaction Survey is used as a Performance Measure for a number of Council Plan Actions.

Sustainability

The results of the survey are very positive for the sustainability of the local environment, the community and Council, as they provide a clear benchmark for current and future performance and service delivery.

Recommendation:

That the report be noted.

11.2.2 SUSTAINABILITY

11.2.2.1 LOCAL GOVERNMENT LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012.

Local Government Act

20.050.001

Introduction

The Local Government Legislation Amendment (Miscellaneous) Bill was introduced into Parliament in June 2012. It proposes a number of amendments to local government legislation, particularly the Local Government Act 1989.

The Municipal Association of Victoria (MAV) is seeking Council feedback on the Bill to guide MAV advocacy on the Bill.

Background

A Summary of the Bill, produced by the Department of Planning and Community Development (DPCD) is attached (*refer attachment*).

The amendments proposed by the Bill are set out below together with a brief summary of the intent of each amendment.

Council Decisions: The amendment will forbid Councils from making decisions in Assemblies of Councillors.

This amendment will have no effect on this Council where Council decisions are only made in Council meetings.

Failure to Vote: The amendment proposes to clarify situations where one or more Councillors abstain from voting. A motion will pass if it is supported by a majority of Councillors present when the vote is taken.

This amendment still leaves it open to Councillors to abstain from voting or to leave the room to avoid voting.

Multiple Conflicts of Interest: It is proposed that where a Councillor has conflicts of interest, in consecutive matters before Council, the conflicts may be disclosed before the first matter and Councillor can remain out of the room until the matters have been dealt with.

Council Plan: It is proposed to introduce an arrangement, similar to what applies in the Budget, to deal with conflicts of interest.

This matter and solution were raised with the government, by this Council, some time ago because of difficulties in maintaining a quorum when dealing with multiple conflicts of interest within the Council Plan. It provides that particular items can be dealt with prior to consideration of the Council Plan as a whole, to enable Councillors with a conflict of interest in those items, to leave the meeting only for that item.

Victorian Civil and Administrative Tribunal (VCAT) costs in Councillor Conduct hearings: The VCAT Act is proposed to be amended to limit Councils obligations to meet costs of Councillors.

Councillor Conduct Panel members: When decisions of Councillor Conduct panels are appealed to VCAT, the panel members become respondents to the VCAT hearings. It is proposed to extend the immunity of Panel members and ensure that they are paid during any VCAT Review.

Probity Auditor: It is proposed to provide for a Council Chief Executive Officer (CEO) or Mayor to be able to ask the Secretary of DPCD to appoint a probity auditor. This arrangement will not alter a Council's ability to appoint a probity auditor at its own discretion.

Election Campaign Donation Returns: The amendment proposes that details of donations disclosed by candidates be published on Council's website.

Defamation: It is proposed to repeal defamation provisions relating to candidates at elections. It is considered that these provisions are unnecessary.

Libraries – attendance at meetings: It is proposed to allow electronic attendance at meetings.

Libraries – notice of meetings: Provisions for public notice and requiring meetings to be open to the public are unnecessary and are to be repealed.

Rates and Charges – Penalty Interest: It is proposed that penalty interest only be applied from the date when each instalment was due.

Differential Rates Guidelines: It is proposed to issue guidelines, with disallowance provisions, where the classification of land is inconsistent with guidelines. This proposal is a response to the approach of some Councils in targeting a particular industry, such as fast food outlets, with unusually high rates through differential rates, rather than applying it to a class of property.

While the publication of Minister's Guidelines could assist in the development of rating policy, the disallowance provisions is a reduction of Council's autonomy. The differential rating process requires Council to publish a significant amount of detail regarding differential rates. In addition, VCAT can be requested to review Council decisions regarding differential rates.

Land classification: It is proposed that request for VCAT review be made within 60 days of receiving Council rate notice. Differential rate classifications are also to be published on websites.

Audit Committees: It is proposed that Audit Committee members be required to submit interest returns in the same way as Councillors, officers and members of special committees.

Long Service Leave: It is proposed to repeal provisions that are considered to be discriminatory and less significant.

Unregistered and Abandoned vehicles: It is proposed to formalise arrangements relating to Council disposal of vehicles.

Issues

The MAV has published a Members Brief seeking Council feedback on the proposed amendments but particularly regarding four matters. A copy of the MAV Members Briefing has been provided separately to Councillors.

The MAV also requested a response from Councils by 2 August 2012.

The four particular matters raised by the MAV are:

- councillor voting requirements;
- probity auditor arrangements;
- differential rates guidelines; and
- penalty Interest.

In regard to Councillor Voting arrangements, it is considered that the proposals will not overcome the issue of Councillors who refuse to vote. Rather than sanction the failure to vote, by modifying the quorum and majority arrangements, consideration should be given to introducing a penalty for failing to vote.

The introduction of an option for the Mayor or CEO to request the Department to appoint a Probity Auditor undermines the authority of the Council and could be open to misuse by an individual Mayor or CEO.

The Guidelines for Differential Rates, particularly the disallowance provision, is unnecessary given the remedies already available in the Local Government Act.

The changes to penalty interest provisions are relatively minor and relate to situations where rates may be paid in full. This option is not offered by Council and the change will have no impact.

Implications

Council Plan Outcomes

Provide community leadership through the provision of an accessible, open and consultative government.

Conclusion

As a consequence of all the above, the MAV has been provided with a response by the Acting CEO setting out the concerns raised in the Issues section of this report.

A copy of the advice provided to the MAV is also attached (*refer attachment*).

Recommendation:

That Council ratify the response made to the Municipal Association of Victoria in regard to the proposed Local Government Legislation Amendment (Miscellaneous) Bill 2012.

11.2.2.2 LOCAL GOVERNMENT GENERAL ELECTIONS 2012

Elections

50.050.002

Introduction

To comply with Regulation 93(2)(a) of the Local Government (Electoral) Regulations 2005, the Victorian Electoral Commission VEC has asked that a resolution be put to Council to consider allowing a count location outside of the municipality.

Background

Since the last Local Government General Elections in 2008, the (VEC) has developed its computer count application. The VEC plans to provide counts in municipalities where a suitable location can be secured. The VEC has experienced issues with identifying available venues across a number of locations in Victoria, particularly in country areas.

Issues

To undertake this process, the VEC has traditionally used schools, high schools, TAFE colleges and University campuses, as these locations often have established computer infrastructure with updated operating systems, a layout that facilitates access for scrutineers, and are equipped for the occupational health and safety requirements for extended periods of data entry.

A few factors are limiting the availability of these locations, including:

- academic and trade examinations at the end of October mean that some venues are unavailable as they will be used for exams; and
- recent policy changes have impacted on the availability of tertiary institutions, particularly in regional Victoria.

In the event that suitable facilities cannot be arranged it may be necessary to conduct the count outside the municipality.

To comply with the requirements of the Local Government (Electoral) Regulations 2005, a resolution by Council is needed to allow counting outside of the municipality.

Conclusion

Undertaking the count outside the municipality will only be undertaken as an absolute last resort. If however the resolution is not passed and no computer count venue is identified, the VEC must conduct a manual proportional count which can add significant time to the counting time table delaying the returning officers declaration.

Recommendation:

In the event that neither Council nor the Victorian Electoral Commission identify a suitable venue within our municipality to conduct a count of ballot papers, Council allow the Victorian Electoral Commission to conduct the process outside the municipality.

11.2.2.3 DELEGATIONS

Deed of Delegation

50.010.003

Background

To enable the effective functioning of Local Government operations, the Council has delegated various powers to the Chief Executive Officer (***refer attachment***) and other officers.

The necessary authorities are contained in three Instruments of Delegation. The delegations are from:

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

Council last reviewed the delegations at its meeting on 20 July 2010.

Issues

Local Government Act

Section 98 (1) of the Local Government Act 1989 provides that Council may, by Instrument of Delegation, delegate to a member of its staff any power, duty or function of a Council under the Local Government Act or any other Act, other than certain specified powers.

Section 98 (2) provides that the Chief Executive Officer may, by Instrument of Delegation, delegate to a member of Council staff any power, duty or function of their office, except the power of delegation itself.

Other Acts

Other Acts also empower a Council to delegate certain powers, duties or functions. There is a legal presumption that a power of delegation cannot be sub-delegated in the absence of an express authority to do so. This means that it is

necessary in some instances for the delegation to Council officers to come directly from Council and not the Chief Executive Officer.

Section 188 of the Planning and Environment Act 1987 and Section 58A of the Food Act 1984 empower Council to delegate its powers under those Acts directly to members of Council staff.

The Planning and Environment Act 1987, Part 9B of the Environment Protection Act 1970, Part III of the Health Act 1958, Section 41A of the Domestic (Feral and Nuisance) Animals Act 1994 and the Food Act 1984 contain specific powers of delegation, but do not contain an express power of sub-delegation.

Changes to staffing and administrative arrangements for the processing and consideration of applications received under the Planning and Environment Act, require amendments to the current delegations. The amendments increase the number of positions authorised to approve planning applications but continue the existing arrangement that all proposed refusals, and applications involving one or more submission, are to be presented to Council for decision.

Another change involves amendment of the narrative in the miscellaneous power to register, renew or transfer registration, within the *Food Act* 1984, to align with the power of the Chief Executive Officer to ratify a refusal in respect of a registration (in section 58A(2) of the *Food Act* 1984). Otherwise changes have been made to formatting and personnel to reflect staff movements.

Implications

Organisational Impact

It is essential for the efficient functioning of Council, that delegations and authorisations to the Chief Executive Officer and members of Council staff are maintained on a timely and functional basis.

Recommendation:

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

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation by Council to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.***
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.***
- 3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.***

- 4. *The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may, from time to time, adopt.***
- 5. *The Instrument of Delegation by Council to Members of Council Staff be signed and sealed by Council when available.***

11.2.3 COMMUNITY WELLBEING

11.2.3.1 PUBLIC ART STRATEGIC PLAN REVIEW 2012

Public Art Programs

67.070.002

Introduction

The 2009 – 2013 Council Plan objectives require that Council's Public Art Strategic Plan be reviewed to meet current needs and directions for public art within the Rural City of Wangaratta.

The Public Art Strategic Plan review has been completed and includes a section of revisions based on the results of the Current Sculpture Award review (refer Objective 3, page 5 of the draft Public Art Strategic Plan 2012 – 2015 in the attached) *refer attachment*.

Background

Council's Public Art Strategic Plan and Policy were adopted by Council in 2005. A review of the current Public Art Strategic Plan was delayed to accommodate the outcome of the Current Sculpture Event review.

The draft Public Art Strategic Plan encapsulates directions for the inclusion of public art and design features into capital works projects and other identified projects. It includes objectives, strategies, responsibilities, timeframes, resources, indicators and relevant 2030 Community Vision actions. It is a comprehensive plan that covers all issues pertaining to public art planning and inclusion in the Rural City of Wangaratta.

The draft Public Art Strategic Strategy was received by Council at its Ordinary meeting in May, and was placed on public exhibition for 28 days.

Issues

Only one submission was received which was from Mr David Godkin. Mr Godkin's submission is strongly in support of the Strategy and does not suggest any changes to the current form. Mr Godkin also provided a number of images of examples of public art.

There are budgetary implications associated with the plan which focuses on identifying appropriate capital works projects in a 'ten year plan' for public art which matches Council's Ten Year Capital Works Plan. The plan outlines possible funding sources including the Current Sculpture Award budget.

The criteria for determining when public art is developed in conjunction with a capital project is yet to be established though, it is proposed, that 'significant projects' are the primary focus. It is also proposed that the project submission system includes criteria for response of each project to generate consideration of public art as part of a project.

Examples of projects which would be considered for public art include:

- the Wangaratta Library;
- the Wangaratta Indoor Sports and Aquatic Centre;
- the Showgrounds Redevelopment;
- the Wangaratta Performing Arts Centre; and
- the Ovens Riverside Precinct.

Implications

Council Plan Outcomes

- review Council's Public Art Strategic Plan; and
- to integrate public art, design and cultural features into the planning of capital works projects and public space developments throughout the Rural City of Wangaratta.

Sustainability

Although funds for the Sculpture Event will be amassed over a number of years to fund some public art, there may be occasions when it is determined necessary by Council to make a specific allocation for a particular project.

Community Engagement

Council's Arts, Culture and Heritage Advisory Committee has had input into the development of the Public Art Strategic Plan.

Conclusion

The Public Art Strategy provides Council with direction and guidance for the implementation of a public art program. If Council support this approach, a project submission will be submitted each year for consideration during budget deliberations where additional funding may be proposed. A list of proposed projects over a ten year period has been developed and will be the subject of a separate report.

The Public Art Strategic Plan was placed on public exhibition for four weeks until 29 June 2012. One comment was received from a community member with no issues being raised that would alter the content of the plan.

Recommendation:

That Council adopt the Rural City of Wangaratta Public Art Strategy 2012 - 2015.

Communication

Members of the Art, Culture and Heritage Advisory Committee will be advised of Council's decision.

11.2.3.2 VICTORIAN STATE GOVERNMENT BUDGET CUTS

State Budget

51.060.003

Introduction

The Victorian State Government handed its 2012 budget down in May 2012. It is now becoming apparent that there have been a number of cuts to funding which will have a significant impact on the delivery of local community services.

These budget cuts will have an impact on the community and potentially the future budget allocations for some services provided by Council.

Background

When the 2012 Victorian State Government's budget was announced the level of detail provided did not obviously identify the impacts of budget cuts on local services. As time has passed a number of service providers, including Council, have been advised of a reduction in funding from the State Government.

The services where advice of cuts has been received to date include:

- Intensive Case Management (provided by NESAY) a cut of \$200,000 p/a which has resulted in the total withdrawal of this program, a vital service for young people in crisis in our community;
- Homelessness Program for youth (provided by NESAY) a cut of \$60,000 p/a;
- Health Promotion programs (provided by Ovens and King Community Health Service) a cut of \$80,000 p/a;
- Home and Community Care (provided by Council) a cut of \$64,000 p/a; and
- Other Home and Community Care Services (provided by NE Health, Uniting Care, Ovens and King Community Health) a cut of 2% to the 2011/2012 budget.

Issues

The services targeted by these cuts are not high profile services across the general community and have therefore been considered by the State Government as a 'soft target'. However it will only be after some time has passed that the community will notice a difference in the following ways:

1. A reduction in services and the development of waiting lists;
2. The lack of opportunities to address youth homelessness which is already a significant issue for Wangaratta;
3. An increase in the need for acute care; and
4. No support or early intervention for young people considered to be of high risk.

Furthermore, there will be significant implications for Council's Home and Community Care (HACC) program. The overall reduction in grant funding will be \$64,016 per annum. After undertaking a preliminary assessment of the impact

measures have been identified to accommodate the reduced funding. The consequences for having to implement these measures will result in:

- a waiting list for some HACC services;
- a reduction in current service levels for current clients; and
- reduced hours for staff which will increase the difficulties experienced in attracting and sustaining the HACC Carer workforce.

Implications

Council Plan Objective

To support the development of integrated health provision to maximise the health and wellbeing outcomes for the community.

Improve opportunities for all residents to participate in a range of community activities.

Sustainability

The cuts to funding will have an immediate impact on the community and Council given the reduction in Youth, Community Health, Allied Health and HACC funding.

The Municipal Association of Victoria (MAV) is working with all Council's across Victoria to develop a campaign to object to the budget cuts and to reverse the decision of the Victorian State Government in applying these budget cuts.

Conclusion

As an advocate for the community it is proposed that Council raise concern for the extent and targeting of essential community services for these funding cuts.

Recommendation:

That Council raises concern for the funding cuts applied to essential community services by letter to:

- ***the Victorian Premier The Hon. Mr Ted Baillieu MP;***
- ***the Victorian Minister for Community Services, The Hon. Mary Wooldridge MP;***
- ***Mr Tim McCurdy MP Member for Murray Valley;***
- ***Dr Bill Sykes MP Member for Benalla;***
- ***local members of the Upper House;***
- ***the Shadow Minister for Community Services, Mr Gavin Jennings, MLC;***
and
- ***Leader of the Opposition, Mr Daniel Andrews MP***

and request for the funding to be reinstated.

11.2.3.3 WANGARATTA FRIENDS OF LACLUTA SPECIAL COMMITTEE – PLAN

Lacluta, East Timor – Friendship City

42.070.020

Introduction

The Friends of Lacluta Special Committee (FOLSC) provided a deputation to Council on Tuesday 12 June 2012 to update Council on the FOLSC progress with projects undertaken to strengthen the community of Lacluta.

The FOLSC have also requested Council to consider providing financial support in consideration of the Friendship Agreement Council has with the Lacluta community.

Background

The FOLSC members have contributed a significant amount of time and dedication to achieve improvements to the quality of life for the people of Lacluta.

Some of the main achievements are as follows:

- University scholarships;
- AusAID financial grant to train preschool teachers;
- support payments for families to send children to school;
- kindergarten set up and ongoing provision of supplies;
- sporting equipment for the school;
- Friendship House – refurbishment of building in partnership with Appin Park Rotary Club;
- fundraising efforts such as open gardens, guest speaking, bicycle rides;
- equipment for health services such as foetal monitors, refrigerator; and
- establishing relationships with local schools to raise awareness of the needs of the East Timor community.

The Committee has developed a Plan for 2012 – 2015 which identifies three main goals that the Committee will focus resources and activities on (***refer attachment***). The plan has been initiated by the Committee and, as a Special Committee of Council, is not a required outcome.

The identified goals are:

1. strengthen capacity and involvement with the Lacluta Community;
2. build community awareness and involvement in the Rural City of Wangaratta and surrounding communities; and
3. build the links between our communities.

Issues

Although the Committee is accomplishing many initiatives which aim to build capacity and advance the self-sufficiency of the people of Lacluta, this is mainly undertaken by use of individual private funds. The Committee members have investigated support provided to other similar committees affiliated with other

Victorian Local Governments and as a consequence wish to review the current position with Council and the level of support provided.

Implications

Council Plan Objective

To foster and encourage:

- community spirit;
- volunteerism; and
- community leadership.

Sustainability

The deputation to Council provided an opportunity for the Committee to request additional assistance from Council. The Committee proposed three options for this assistance:

1. Funds to support a Lacluta Friendship House Co-ordinator estimated at \$1,200 per annum.
2. Funds to provide 20 x Year 9 school incentive grants of \$20 each to Lacluta families estimated at a total cost of \$400 per annum.
3. Funds to provide 4 x tertiary scholarships to Lacluta students at a total cost of \$2,000 per annum.

The Committee's preferred option for assistance from Council is number 3; four tertiary scholarships for Lacluta students at a total cost of \$2,000 per annum. The Plan developed by the Committee identifies the tertiary scholarships under Education in Goal 1 – *strengthen capacity and involvement with the Lacluta community*.

Option three was seen by the FOLSC as being:

- a sustainable and tangible form of assistance for Council to provide which could be measured by the number of students completing their tertiary studies;
- an option that is meaningful to the Lacluta community's interest in progressing their economy and becoming self-sustainable;
- will provide the opportunity for members of the Lacluta community to become educated, pursue further education and then return to their community of origin to teach others; and
- supportive of the qualified students returning to the Lacluta community as professionals in areas such as health and education and be able to contribute to improving the standard of living for the people in Lacluta and surrounding communities.

The FOLSC has committed to providing \$4,000 in tertiary scholarships per annum. Council's support will alleviate this ongoing commitment so that the FOLSC can direct more funds and energy into supporting the Lacluta Friendship House.

The amount requested can be accommodated within the constraints of Council's Donations and Special Assistance Contingency 2012/2013 budget allocation.

Community Engagement

The FOLSC has initiated this request to Council based on their engagement and knowledge of the needs of the Lacluta Community achieved through personal contact by way of regular self-funded visitations to Lacluta. FOLSC has identified various ways that their efforts can contribute to improving the standard of living of the people of Lacluta, one being the importance of assisting with educational pursuits, for example: providing tertiary scholarships to Lacluta students.

Conclusion

The 2012 – 2015 Plan is a four year plan. The request for Council's financial assistance of \$2,000 per annum is for the period 2012 to 2015. It is acknowledged by the Committee that if Council agree to provide financial support, a progress report be provided and an acquittal at the end of each financial year.

Recommendation:

That Council provide an allocation of \$2,000 per annum to the Wangaratta Friends of Lacluta Special Committee for the period 2012 to 2015 for the purpose of providing 4 x tertiary scholarships to Lacluta students.

Communication

The Wangaratta Friends of Lacluta Special Committee be informed of Council's decision.

11.2.3.4 YOUTH COUNCIL 2011/2012 ANNUAL REPORT

Youth Council

10.020.010

Introduction

The Rural City of Wangaratta Youth Council is an advisory committee of Council and provides a leadership program which encourages and fosters community spirit and engagement of young people in community activities. The program has been operating since 1999 and is open to young people aged 14 to 18 years who reside in the municipality.

Background

The 2011/2012 Rural City of Wangaratta Youth Council Annual Report, outlining the activities and achievements of the Youth Council over the past 12 months is presented to Council in accordance with the requirements of the Youth Council Charter (***refer attachment***).

Issues

It is appropriate to review the operation of the Youth Council program each year, with respect to the established objectives and desired outcomes of the Youth Council Action Plan.

Through strategic planning sessions, the 2011/2012 Youth Council developed its Action Plan which embodied a Vision, Mission Statement and Key Result Areas. The achievements in the Key Result Areas are highlighted in the Annual Report.

Implications

Council Plan Objectives

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

Sustainability

The Youth Council Annual Report was prepared in consultation with the Youth Council under the guidance of Council's Youth Development Officer. The development of the 2011/2012 Youth Council and the implementation of the Youth Council Action Plan have been dependent upon the formation of partnerships with other organisations in the community and communication of youth issues with young people.

Recommendation:

That Council:

- 1. receive the Youth Council 2011/2012 Annual report; and***
- 2. provide a letter of appreciation to each member of the 2011/2012 Youth Council for their outstanding service to the Rural City of Wangaratta.***

Communication

The achievements of the Youth Council will continue to be promoted to the general public through the media, schools and other agencies.

A letter of congratulations from the Mayor will be provided to each of the outgoing Youth Council.

11.2.3.5 **COMMUNITY PLANNING - OXLEY**

Community Planning

60.010.003

Introduction

The purpose of this report is to present the Oxley Community Plan to Council (***refer attachment***).

Background

There are now twenty two rural communities participating in Councils' Community Planning program, all of which are involved at various stages of the process.

The presentation of the Oxley Plan completes the initial development of rural community plans. As identified in the Council Plan an approach is being undertaken to encourage the Plans to be more strategic.

Each Community Plan is owned by the community and is developed by the community to drive actions to achieve their aspirations.

Issues

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

Implications

Council Plan Outcomes

To improve community wellbeing by focusing on:

- increasing the capacity of the community to be self-supporting and resilient;
- actively fostering community leadership;
- providing a safe and fair place to live; and
- valuing and respecting the contribution of all sectors.

To engage the community in a strategic approach to decision-making and the development of the Rural City of Wangaratta.

Policies

Community Planning is a significant component of Council's implementation of the Community Engagement Policy.

Sustainability

As part of the Community Planning program and its success, a small grant of \$5,000 per community has been provided to enable the community to action a project and start to achieve the outcomes they have identified. Consideration has been given to the amount of funds allocated to each community given the variance in population. An approach was been taken to allocate the same amount to each rural community.

The Oxley plan has engaged participants through email, phone calls, small gatherings, town meetings and workshops to inform, involve and empower decision making by the community.

Conclusion

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

Recommendation:

That Council:

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

Communication

The Oxley community will be advised of Council's decision.

11.2.4 INFRASTRUCTURE SERVICES

11.2.4.1 APPOINTMENT OF MEMBERS TO MERRIWA AND KALUNA PARKS MASTERPLAN REVIEW- WORKING PARTY

Merriwa and Kaluna Parks Masterplan Review

71.020.017

Introduction

An Expression of Interest process for members to participate in a working party to review the Merriwa and Kaluna Parks Masterplan concluded on 26 July 2012.

This report outlines the response to this process and recommends nine of the responders for Council to appoint to the working party.

Background

The response to Council's consultation process in relation to proposed plans to formalise the car parking within Merriwa Park showed that there are strong opinions within the community about what should and what should not be done within the park.

Council determined that a working party, based upon an appropriate skills/interest group matrix, should be formed to review the Merriwa and Kaluna Parks Masterplan.

It was hoped that the nominations to participate in the working party would reflect the broad range of opinions expressed during the consultation process. This should improve the community acceptance of the review outcomes when completed.

Issues

Nine nominations were received from the call for Expressions of Interest to be a member of the working party. Four of those who have nominated are people who were members of the group who prepared the original Merriwa and Kaluna Park Masterplan.

The nine members proposed for the Merriwa and Kaluna Park Masterplan review working party are:

Name:	Representing:
Dr Peter Curtis	Wangaratta Urban Landcare Group
Pat Flynn	Wangaratta Lawn Tennis Club
Patrick J Heffernan	
James (Deane) Hoysted	Wangaratta Garden Club
Lauren Lawford	Christopher Robin Kindergarten
David P McCabe	
Margaret McDiarmid	Wangaratta Garden Club
Louine Robinson	
Anne Shaw	

Implications

With Council receiving nine applications for nomination to the nine positions on the working party, there was no need to assess the applicants against the relevant experience, capabilities and interests they offer the working party.

Council Plan Outcomes

Undertake a review of the Merriwa and Kaluna Parks Masterplan.

Community Engagement

The working party will be responsible to undertake a review of the masterplan. Once the review is complete, the community will be given the opportunity to comment before the reviewed masterplan is put before Council for adoption.

Conclusion

Nine nominations were received for the nine positions on the Merriwa and Kaluna Parks Masterplan Review Working Party. It is recommended that all nine nominees be appointed to the working party.

Recommendation:

That Council appoint to the Merriwa and Kaluna Parks Masterplan Review Working Party:

***Dr Peter Curtis
Pat Flynn
Patrick J Heffernan
James (Deane) Hoysted
Lauren Lawford
David P McCabe
Margaret McDiarmid
Louine Robinson
Anne Shaw***

Communication

Advise each of the appointees of Council's decision and proposed date of the first meeting.

11.3 SPECIAL COMMITTEE REPORTS

Nil.

11.4 ADVISORY COMMITTEE REPORTS

11.4.1.1 YOUTH COUNCIL ADVISORY COMMITTEE REPORT

Youth Council

10.020.010

Background

The Youth Council Advisory Committee held a meeting on 16 July 2012.

Attendees: Youth Councillors Bella Currie, Sofia Kennedy, Emily Bettio, Corinne Antonoff, Zoe Stinson, Mary Watter, Jess Long and Elizabeth Hindle; Mayor, Councillor Roberto Paino, Cr Ron Webb, Ruth Tai, Leonie Painter and Katy Hawkins.

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 - Youth Councillor Bella Currie
2. Election of Deputy Youth Mayor - Youth Councillor Hazel Vaughan
3. Appointment of Youth Council Communication Officers - Youth Councillors Emily Bettio, Melinda Suter and Mary Watter
4. Creative Youth Committee appointment of Youth Councillors - Youth Councillors Amy Faithfull, Sofia Kennedy, Zoe Stinson, Hazel Vaughan and Max Dewez
5. Wangaratta Youth Service Providers Network appointment of Youth Councillors - Youth Councillors Melinda Suter and Corinne Antonoff
6. Sport and Recreation Committee appointment of Youth Councillors - Youth Councillors Elizabeth Hindle and Jess Long
7. North East Regional Youth Affairs Network appointment of Youth Councillor - Youth Councillors Mary Watter and Corinne Antonoff

Recommendation:

That the report be noted.

11.4.1.2 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 7 August 2012 with the following members in attendance: B Sullivan (Chair), G Jones, Councillor Lisa McInerney, Ken Butterworth, Mayor, Councillor Roberto Paino, Stephen Oxley, Helen Haines, Guy Wilkinson, Doug Sharp, Graham Nickless, Emma Keith and Charles Halter.

Apologies were received from Dale McPhan, Wendy Lester and Hayley Cail.

There were no conflicts of interest declared.

A presentation and workshop was held on the Hume Strategy for Sustainable Communities – regional priorities going forward. The outcomes will be further refined in readiness for the Hume Strategy Regional Leadership Gathering on 10 September 2012.

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 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
14-08-2012	Prior to Special Council Meeting	Attachment
14-08-2012	Draft Council Meeting Agenda & Deputations	Attachment
13-08-2012	Ned Kelly Interpretive Centre – Public Meeting.	Attachment
07-08-2012	Wangaratta Unlimited (Board) Advisory Committee	Item 11.4.1.2
24-07-2012	Councillors Briefing Forum	Attachment
17-07-2012	Prior to Ordinary Council Meeting	Attachment
16-07-2012	Youth Council Advisory Committee	Item 11.4.1.1

Recommendation:

That:

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

(i) **Councillor's Briefing Forum dated 24 July :**

- 4.2.4.1 VCAT Decision for Planning Permit Applications – 11-039 and 11-040 - Installation of a Major Promotion Sign**
- 4.2.4.2 Planning Permit Application 11-044 – Use and Development of Land for a Dwelling on Warby Range Road, Wangaratta South - VCAT Decision**
- 4.2.4.3 Planning Permit Application – Use and Development of Land for Development of a Replacement Dwelling at 4228 Glenrowan – Myrtleford Road, Whorouly East – Decision to Grant**
- 4.2.4.4 Use and Development of a 24 Hour Service Station**
- 4.2.4.5 Reformed Planning Zones for Victoria**
- 4.2.4.6 Superannuation Defined Benefit Plan Funding Shortfall**
- 4.2.5.4 Proposed Indigenous Interpretive Signage**
- 4.2.5.6 Funding of Sport and Recreation Infrastructure Projects**
- 4.2.5.7 Joint Library Funding – Goulburn Ovens TAFE**
- 4.2.6.1 Response to Energy Safe Victoria Discussion Paper**
- 4.2.6.2 Glenrowan Memorial Hall Refurbishment**
- 4.2.6.3 Wangaratta Transport Study Implementation – Stage 2 – Pedestrian Crossings within the CBD**

13. NOTICE OF MOTION

14. URGENT BUSINESS

15. AUTHORISATION OF SIGNING AND SEALING OF DOCUMENTS

Nil.

16. PUBLIC QUESTION TIME

17. CONFIDENTIAL BUSINESS

18. CLOSURE OF MEETING