

WANGARATTA RURAL CITY COUNCIL



MINUTES OF THE ORDINARY MEETING
OF THE WANGARATTA RURAL CITY COUNCIL, HELD
AT THE WHOROULY COMMUNITY, RECREATION & FUNCTION
CENTRE, 1 MEMORIAL PARK DRIVE, WHOROULY
ON **TUESDAY, 21 MAY 2013** COMMENCING AT 7.00PM

Doug Sharp
CHIEF EXECUTIVE OFFICER

As at 30/05/13 12:45 PM

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1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

2. **OPENING PRAYER**

3. **PRESENT**

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

Officers Present:

Mr Peter Mangan, (Acting Director Sustainability); Mr Peter Godfrey (Acting Director Infrastructure Services); and Ms Patti Wenn (Acting Director Community Wellbeing)

4. **ABSENT**

Mr Doug Sharp, (Chief Executive Officer)

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

ORDER OF BUSINESS

6. **CITIZENSHIP CEREMONY**

Nil

7. **CONFIRMATION OF MINUTES**

(Moved: Councillor J Fidge /Councillor N Amery)

Recommendation:

That the Minutes of the Ordinary Meeting of 16 April 2013 and the Minutes of the Special Meetings of 29 April 2013 and 2 May 2013, (as previously distributed to Councillors), be taken as read and confirmed as a true and accurate record of the proceedings of the meeting.

Carried

8. CONFLICT OF INTEREST DISCLOSURE

Councillor T Atkins declared a conflict of interest in items:

- 11.2.2.5- Planning Permit Application PInapp12/075 - Five (5) Lot Subdivision at 1250 Great Alpine Road Tarrawingee Vic 3678; and
- 11.2.2.6-Planning Permit Application PInapp12/215 - Construction of a Dwelling and Shed In Lsio At 96 Gibbs Lane Moyhu Vic 3732,

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

Councillor D Joyce declared a conflict of interest in item 11.2.1.2 – Council Plan-Progress Report as he is employed in the transport industry.

9. RECEPTION OF PETITIONS

9.1.1.1 PETITION – PLANE TREE ISSUES IN MELDRUM STREET, WANGARATTA

Meldrum Street

14880*

Background

A petition containing some 8 signatures from residents of Meldrum Street, Wangaratta has been received.

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

A copy of the petition is attached (*refer attachment*).

Issues

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

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

Recommendation

That:

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

Carried

Communication

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

9.1.1.2 JOINT LETTER – REQUEST FOR TEMPORARY PARKING EXEMPTION FOR CO-STORE BUSINESS OWNERS AND EMPLOYEES

Parking Permits

58.050.003

Background

A joint letter containing 19 signatures from business owners and employees within the Co-Store complex has been received.

The joint letter is seeking temporary parking exemption for on-street metered parking during the construction of the new multi-deck carpark.

A copy of the joint letter is attached (*refer attachment*).

Issues

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

Recommendation

That:

- 1. the joint letter seeking temporary parking exemption for business owners and employees within the Co-Store complex be received; and*
- 2. a report into investigations into the request within the joint letter be considered at the June 2013 Ordinary Council meeting.*

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

That Council provide all day parking permits for Co Store employees to park in available 3 hour parking spaces in Ovens Street adjacent to the King George Gardens valid to the end of June 2013.

Carried

Communication

The signatories to the joint letter will be advised of Council's determination on this matter.

10. HEARING OF DEPUTATIONS

Nil

11. PRESENTATION OF REPORTS

11.1 COUNCILLOR'S REPORTS

Nil

11.2 OFFICER'S REPORTS

11.2.1 EXECUTIVE SERVICES

11.2.1.1 RECREATION RESERVES OFF WARATAH DRIVE

Council Property Dealings

52.015.002

Introduction

This report deals with two parcels of Council land which were created as reserves under subdivision carried out in the Edwards Street area in the early eighties.

Background

A review of Council recreational land has recently discovered that two reserves being, Recreation Reserve No 1 LP148360H and Reserve No 1 LP130977N remain in the name of the original subdivider.



As part of the subdivisional arrangements, these reserves should have been transferred by the Land Titles Office into Council's name upon registration.

Transfer of Land documentation was not lodged at the Land Titles Office by the developer's solicitor; therefore Certificates of Title have not been issued in the name of Council.

Details of the above have been notified to the relevant solicitor on the basis that they may still act for a former director of the developer(s).

Issues

Council's solicitor has now provided a Transfer of Land document for the land delineated as Recreation Reserve 1 on Plan of Subdivision 130977. Investigations regarding the status of the remaining title for Reserve 1 PS 148360 are continuing.

Implications

Signing and sealing this document will enable lodgement and subsequent issue of title of both of these reserves into Council's name.

(Moved: Councillor J Fidge/Councillor N Amery)

Recommendation

That the Transfers of Land for Reserve 1 PS 130977 and Reserve 1 PS 148360 (when available) be signed and sealed by the Council.

Carried

11.2.1.2 COUNCIL PLAN – PROGRESS REPORT

Council Plan

20.030.001

Councillor D Joyce left the room at 7:10pm prior to consideration and voting of item 11.2.1.2 having previously declared a conflict of interest.

Introduction

A report is provided on Council's performance against the Council Plan for the period 1 January 2013 – 31 March 2013 (***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.

Issues

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.

Implications

Council Plan Outcomes

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

Conclusion

Council should consider the report.

(Moved: Councillor T Atkins /Councillor N Amery)

Recommendation

That Council receive the Council Plan Progress Report for the reporting period 1 January 2013 – 31 March 2013.

Carried

Councillor D Joyce returned to the room at 7:14pm

11.2.1.3 REGIONAL CITIES OF VICTORIA MEMORANDUM OF UNDERSTANDING

Regional Cities Victoria

25.010.020

Introduction

This report seeks Council's approval of a Memorandum of Understanding (MOU) between the ten regional cities that comprise Regional Cities Victoria.

Background

The Rural City of Wangaratta (RCoW) Council is a member of Regional Cities Victoria, an alliance of ten regional Victorian cities. Regional Cities Victoria has been active since 2001 and over that time has had considerable success in promoting the interests of the ten regional cities.

Issues

To date there has never been a formal agreement to support the alliance. The proposed MOU outlines what are generally the current understandings between the cities, representation and how the alliance operates.

Over the last twelve months, since the appointment of the new secretariat, it has become apparent that there needs to be a clearer statement of governance arrangements, particularly as it pertains to the role of an executive management group that can make decisions that need to be made on a day-to-day basis, on behalf of the wider alliance but fall within the policy perimeters set by the full group.

The proposed Memorandum of Understanding together with service expectations of the Secretariat, are attached (*refer attachment*).

Implications

Sustainability

The adoption of the Memorandum of Understanding has no financial implications for Council.

Council's annual allocation to Regional Cities Victoria is determined as part of its budget process.

Conclusion

The RCoW Council has derived considerable benefit by being a member of this group and it is suggested that formalising a Memorandum of Understanding is an important part of the development of this group to meet challenges in the future.

The Memorandum of Understanding has been agreed in principle by each of the city's Chief Executive Officers and is presented to this Council for adoption.

(Moved: Councillor D Joyce/Councillor J Fidge)

Recommendation

That Council agree to the Memorandum of Understanding between the ten cities that comprise Regional Cities Victoria and authorise the Mayor to sign on behalf of the Rural City of Wangaratta Council.

Carried

11.2.1.4 **DRAFT HUME REGIONAL GROWTH PLAN**

Hume Regional Management Forum

42.020.007

Introduction

This report provides information regarding the preparation of the Draft Hume Regional Growth Plan and the resulting consultation process (*refer confidential attachment*).

Background

The Draft Hume Regional Growth Plan (RGP) is one of eight regional growth plans being developed across Victoria. Together with the Metropolitan Planning Strategy (MPS), the plans will form the basis of the State Government's Vision for Victoria.

The Hume RGP project is being overseen by the Hume RGP Project Steering Committee (PSC), a partnership between the 12 Councils in the Hume Region, the Department of Planning and Community Development (DPCD) and other

State Departments and Agencies. All 12 Councils in the Hume Region are represented on the PSC. A project management team led by DPCD ensures the project is delivered to agreed timelines.

The Draft Hume RGP responds to directions established in the regional strategic plan for the Hume Region (the Hume Strategy for Sustainable Communities 2010 – 2020) which represents regional aspirations and sets an agenda for regional development and long term strategic planning. The Draft Hume RGP provides an opportunity to refine and implement the directions of the Hume Strategy for Sustainable Communities.

The process of developing the Draft Hume RGP was commenced in 2011 and included extensive stakeholder consultation and targeted community consultation.

Issues

Regional growth plans are intended to translate and integrate emerging state-wide regional land use planning policy. The Draft Hume RGP aims to:

- establish a framework for strategic land use and settlement planning that can sustainably accommodate growth;
- identify important economic, environmental, social and cultural resources to be preserved, maintained or developed;
- provide direction for accommodating growth and change including: residential, employment, industrial, commercial, agriculture and other rural activities;
- show which areas of land can accommodate growth and which are to be maintained; and
- identify opportunities for supporting regional level infrastructure, providing an essential contribution to the long-term sustainability of the region.

The key themes considered in the Draft Hume RGP include:

- supporting the development of a more diverse regional economy while managing and enhancing key regional economic assets;
- protecting environmental and heritage assets and maximising the regional benefit from them, whilst managing exposure to natural hazards and planning for the potential impacts of climate change Focusing growth and development to maximise the strengths of existing settlements; and
- supporting the improvement of people and freight movement and planning strategically for future infrastructure needs.

Implications

The next stage of community engagement will involve exhibition of the Draft Hume RGP and Draft Background Paper. DPCD will officially release these draft documents for community consultation on 3 June 2013 and the consultation period will close on 12 July 2013. During this period of time anyone (including Councils) would be able to make a submission regarding the Draft Hume RGP.

This feedback will be used to inform the development of the final Draft Hume RGP.

Conclusion

The community consultation period provides an opportunity for anyone (including Councils) to consider and comment on the Draft Hume RGP and to have their views considered prior to the plan's finalisation. Following close of the consultation period, submissions will be assessed and a revised Draft Hume RGP will be prepared. Councils will then be asked to consider the final Hume RGP for adoption. It is anticipated the final Draft Hume RGP will be presented to Councils for consideration in September 2013.

Council is now requested to note the proposed community consultation process for the Draft Hume RGP.

(Moved: Councillor J Fidge/Councillor T Atkins)

Recommendation

That Council acknowledges the preparation of a Draft Hume Regional Growth Plan and notes the process that allows for public consultation prior to the final document being submitted to Council for endorsement.

Carried

11.2.2 SUSTAINABILITY

11.2.2.1 FINANCE REPORTS

Council Budget 2012/2013

51.060.018

BUDGET COMPARISON REPORTS

Introduction

The Local Government Act requires that a statement comparing the budget revenue and expenditure for the financial year with the actual revenue and expenditure to date must be presented to the Council quarterly.

Details of any variations from the December Forecast and a reforecast of the full year effect of those variations are included in the statement.

Rates Budget Comparison Report 2012/2013 as at March

Program	YTD Actuals	YTD Budget	Forecast Budget as at 31-12-12	Reforecast Budget	Variance	
	\$	\$	\$	\$	\$	
Operating						
Income	42,764,133	31,312,737	48,955,395	48,802,196	(153,199)	
Project Income	2,763,300	4,247,665	6,148,588	7,257,353	1,108,765	
	45,527,433	35,560,402	55,103,983	56,059,549	955,566	(A)
Expenditure	(23,671,620)	(24,097,868)	(32,129,181)	(32,158,513)	(29,332)	
Project Expenditure	(13,672,143)	(13,693,282)	(18,354,065)	(19,626,609)	(1,272,544)	
	(37,343,763)	(37,791,150)	(50,483,246)	(51,785,122)	(1,301,876)	(B)
Net Operating Result	8,183,670	(2,230,748)	4,620,737	4,274,427	(346,310)	(C)=(A-B)
Capital						
Grants & Contributions	2,824,631	1,991,601	5,926,115	5,137,241	(788,874)	
Proceeds from Sale of Assets	1,022,122	408,824	1,247,504	1,599,449	351,945	
Borrowings	0	0	937,801	817,801	0	
Transfers from Reserves	0	0	4,509,686	3,841,858	(667,828)	
	3,846,753	2,400,425	12,621,106	11,396,349	(1,104,757)	(D)
Expenditure - Capital Project	(5,845,534)	(7,800,110)	(16,001,384)	(14,823,238)	1,178,146	
Expenditure - Capital not in a project	(2,473,675)	(2,383,446)	(3,576,130)	(4,124,014)	(547,884)	
	(8,319,209)	(10,183,556)	(19,577,514)	(18,947,252)	630,262	
Loan Redemption	(872,306)	(872,056)	(1,598,972)	(1,598,972)	0	
Transfers to Reserves	0	0	(3,312,862)	(2,338,892)	773,970	
	(9,191,515)	(11,055,612)	(24,489,348)	(22,885,116)	1,404,232	(E)
	(5,344,763)	(8,655,187)	(11,868,242)	(11,488,767)	179,475	(F)=(D-E)
Rate Surplus (Deficit) B/Fwd	7,666,109	7,461,995	7,461,995	8,089,482	827,487	(G)
Projects carried forward to 13/14	0	0	0	(740,338)	(740,338)	(H)
Net Rate Budget Surplus (Deficit)	10,505,016	(3,423,940)	214,490	134,804	(79,686)	(I)=(C+F+G+H)

Summary

As at 31 March 2013, Council's end-of-year net rates budget surplus is forecast to decrease from its December Forecast surplus of \$214,490 to a surplus of \$134,804.

Operating

The March 2013 forecast for the Net Operating Result is now expected to be a surplus of \$4.27M a decrease of \$346K from the December Forecast of \$4.621M.

Variations in this forecast are mainly due to:

Favourable

- \$75K - Infrastructure department salary savings due to recruitment freeze;
- \$823K - Operational projects carried forward to the 2013/14 financial year;
- \$50K - Community grants program transferred to capital projects;
- \$87K - Workforce Sustainability officer wage allocated to the Regional Certifying Body project which is fully funded by grant income.
- \$134K - State Revenue Office reimbursement received for 2012 property revaluations; and
- \$40K - Regional Sponsored Skilled Migration project now completed.

Unfavourable

- \$90K - Increase in livestock exchange water charges due to incorrect meter readings;
- \$110K - 2012 property revaluations contract payments made in 2013 financial year;
- \$90K - Council Conduct Panel, Director Relief and Probity Audit forecast expenditure;
- \$145K – Adjusted prediction for plant replacement contribution – offset by reduced transfer to plant replacement reserve;
- \$1.1M - Floods reimbursements received in advance in 2012 Financial Year; and
- \$60K - reduction in building fees - Number of permits comparable to 2012 but value of permits reduced substantially.

Capital

Decreased Capital Grants and Contributions

The forecast for Capital Grants and Contributions of \$5.14M is a decrease of \$789K from the December Forecast of \$5.93M.

This forecast varies from the December Forecast mainly due to \$797K of Capital Grants and contributions not expected to be received until the 2013/14 financial year. Predominantly:

- \$130K - Shared pathway – Warby Range Rd Extension
- \$65K - Contribution from Murray Bushrangers for Showgrounds – Buildings;
- \$300K - WISAC - Cogeneration; and

- \$275k - Whorouly Football/Netball Club change rooms.

Increased Capital Expenditure

The forecast for Capital Expenditure of \$18.95M is a decrease of \$630K from the December Forecast of \$19.58M.

This forecast varies from the December Forecast mainly due to:

Favourable

- \$1.9M - Projects carried forward to the 2013/14 financial year.

Predominantly:

- \$40K - Phillipson St/Williams Rd intersection;
- \$50K - Netball Cluster Project;
- \$459K - WISAC – Cogeneration;
- \$758K - Plant Replacement;
- \$56K – Information Services infrastructure;
- \$175K - Shared pathway – Warby Range Rd Extension; and
- \$320k - Whorouly Football/Netball Club change rooms.
- \$74K - Reduced acquisition obligations for the Ovens riverside promenade due to fewer properties acquired. This is offset by reduced transfer from reserve.

Unfavourable

- \$400K - Deposit for the Ovens College Site. This has been offset by transfers from reserves; and
- \$955K - North Wangaratta Land Swap. This has been offset by increased land sales.

Conclusion

Reforecasts for the 2012/2013 financial year confirm that Council's rates surplus is predicted to decrease by a margin of \$79,686 to a surplus of \$134,804. The Reforecast budget figures are the outcome of a thorough review of all Budget Items and take into account projects to be completed during the 2013/14 financial year.

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

Recommendation:

That the report be noted.

Carried

11.2.2.2 GENERAL VALUATION 2014

Valuations

52.050.001

Introduction

This report provides details of Council's biennial General Valuation of rateable land.

Background

In accordance with the *Valuation of Land Act 1960* (the Act), Council is required to carry out a General Valuation of rateable land within the relevant municipal district as at 1 January in every even calendar year. Council's next general valuation is therefore due as at 1 January 2014.

Issues

The Act requires Council to give more than one month's notice to every other rating authority interested in the valuation of land in the relevant municipal district, and in the case of a General Valuation, notice must be given to the Valuer-General. The General Valuation will be carried out by Valpac Pty Ltd in accordance with their Schedule of Rates contract which was awarded by Council at its meeting on 11 December 2012.

Implications

Council Plan Outcomes

The conduct of a General Valuation on a two year cycle ensures that Council's rating strategy is based on current valuations. This is consistent with Council's objective to achieve a long term financially secure position.

Conclusion

Council is required by the Act to resolve to cause the general valuation to be made and to advise appropriate authorities.

(Moved: Councillor J Fidge/Councillor T Atkins)

Recommendation:

That:

- 1. In accordance with Section 6(1) of the Valuation of Land Act 1960, the Wangaratta Rural City Council shall cause a general valuation of the municipality to be made;***
- 2. The effective date for the General Valuation be 1 January 2014; and***

3. The General Valuation be returned to Council no later than 31 March 2014.

Carried

Communication

Council is required by the Act to advise the Valuer-General, neighbouring municipalities and any other rating authority using the valuation of its resolution. The State Revenue Office will also use Council valuations for rating and levy purposes.

11.2.2.3 MEMORANDUM OF UNDERSTANDING (MOU) – GOULBURN MURRAY WATER AND THE RURAL CITY OF WANGARATTA

Goulburn Murray Water

42.060.009

Introduction

Council has been negotiating a Memorandum Of Understanding (MOU) (***refer attachment***) with Goulburn Murray Water (GMW) that addresses the application of mandatory *Ministerial Guidelines for Planning Permit Applications in Open Potable Water Supply* released in November 2012. Council has forwarded the MOU to Goulburn Murray Water. GMW have agreed to the MOU. Council is now able to sign off and seal the MOU.

Background

The Ministerial Guidelines in November 2012 and VCAT case P2179/2011 delivered early last year regarding the use and development of land for dwellings in open, potable water supply catchment areas raised some issues. The rural community is particularly concerned about how these Guidelines will be applied for future developments. Consequently, GMW has entered into MOUs in this respect with some Councils in the region.

Queries about the application of these Guidelines were also made at 19 March 2013 Council meeting enquiring if and when Council would consider a Memorandum of Understanding (MOU) with Goulburn Murray Water. An update on the progress of this MOU was provided at 16 April 2013 Council meeting.

Issues

This MOU outlines the application of the Ministerial Guidelines by GMW and Council at the time of assessment of planning applications for use and development of land in open, potable water supply areas. The MOU also underlines the importance of the document *Guidelines for the Protection of Water Quality, April 2000*, *Guidelines for the Protection of Water Quality* and the EPA *Code of Practice for On-site Wastewater Management*.

It is to be noted that the purpose of the Ministerial Guidelines is to '*protect the quality of potable water supplies*', using a risk based approach, whilst facilitating

appropriate development within these catchments. This MOU is a step in that direction outlining the application of a risk based approach. It does not facilitate development which might have adverse impact on the quality of potable water.

The MOU will remain in place until Council has prepared and adopted a Domestic Wastewater Management Plan, in accordance with the Ministerial Guidelines.

The MOU provides a number of benefits including:

- a clear local response to implementing the Ministerial Guidelines;
- a higher degree of certainty for permit applications within the City; and
- minimising the number of referrals to GMW.

Implications

Council Plan Outcomes

Council Plan Contains an objective ‘to undertake a strategic approach to land use planning to provide balanced outcomes for growth, existing land use, environment, heritage and community aspirations (4.3.1).

Policies

The MOU is consistent with the objectives of local planning policy 22.06-1 *Effluent Disposal and Water Quality*.

Sustainability

The use of a risk based approach will facilitate protection of the quality of water (in the water supply catchment areas) by minimising discharges of domestic wastes to waterways whilst allowing appropriate development within these catchments.

Local Community

The protection of water quality whilst facilitating appropriate developments in catchment areas alleviates concerns of the community.

Community Engagement

Numerous queries were made by residents and informal conversations held with Council staff regarding this matter.

Signing and sealing this document will allow Council and GMW to apply the Guidelines for assessing planning applications relating to open, potable water supply catchment areas.

Conclusion

The MOU would facilitate the application of the Guidelines for using a risk based approach for future developments in open, potable water supply catchment areas.

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

Recommendation

That Council approve the MOU and authorise the CEO for signing and sealing of this document.

Carried

11.2.2.4 ENVIRONMENT PROTECTION AUTHORITY (EPA)
ENVIRONMENTAL PROJECTS

Environmental Protection Authority

42.060.008

Introduction

This report is to inform Council of a collaborative project of benefit to the environment and local community of urban Wangaratta.

Background

Under the Section 67AC of the *Environment Protection Act 1970*, a company found guilty of environmental pollution may be directed by a court to fund a community environmental project. The EPA, through its Inspiring Environmental Solutions (IES) program, seeks suitable projects in these cases. A collaboration of groups, including the Rural City of Wangaratta (RCoW) has been approved to deliver a series of projects funded by such a fine.

On April 22 2013, the Wangaratta Magistrates Court awarded a fine of \$160,000 against Nuplex for the chemical plume release over Wangaratta in December 2011. The plume led to a direct impact and evacuation of many houses in the blocks bounded by Sisely Avenue, Appin Street, O'Leary Street, Rowan Street and Green Street. The plume spread more widely to affect about a quarter of the Wangaratta Township.

Local environmental groups, including Rural City of Wangaratta, were contacted by the IES unit in mid-February in anticipation of this case. All groups were asked to submit possible environmental projects. The groups met on 27 March 2013 and decided a coordinated approach would more effective, both for project implementation and community contact. Project management is spread amongst the partners as part of in-kind contribution to the project.

The total project is worth \$160,000. The partner groups are:

- Rural City of Wangaratta;
- Wangaratta Urban Landcare Group;
- Wangaratta Sustainability Network (community sustainability group);
- Restore Our Waterways (a subgroup of WSN working to improve local waterways);
- North East Catchment Management Authority (NECMA);
- Ovens Landcare Network; and

· Park Lane Nursery

The successful proposal was approved by the magistrate and involves four projects, focussing on the affected area which includes Wareena Park.

Project	Component	Organiser	Cost Based on Detailed Estimates
Sisely Avenue – Restoring a residential environment	Preparation, and planting median trees to improve the outlook between the residential and industrial areas	RCoW	\$54,450 (labour, equipment, materials)
Wareena Park environmental enhancement & community engagement	Wetland refencing , signage & improved vegetation, shelter at wetlands picnic area	RCoW, NECMA	\$22,850
	Community events at Wareena Park	RCoW & project partners NECMA	\$6,000
	Waterwatch community water education		\$25,000
Community education officer	Plan community events, assist partners	RCoW	\$12,600 plus \$2000 for printing
Significant tree/location register and activities	Public invited to submit photos of significant trees (including registration of indigenous trees), local photographic exhibitions	Wangaratta Urban Landcare Group	\$21,100
Creek health/fauna Surveys study and education	Flora/fauna and water quality study; interpretive signs	Wangaratta Urban Landcare Group, NECMA	\$16,000

Issues

The requirements of IES funding are that projects:

- have environmental benefit;
- benefit the affected environment and community; and
- are not part of an organisation's normal operations; they must be projects that would not occur but for the IES funding being available.

In consultation with the EPA, projects were prepared that comply with these requirements. Projects directly benefit the Sisely Avenue entry to the area, Wareena Park and wetland, the most affected community and the broader community. These projects are outside the current or planned programs of Council, NECMA and the other partners.

Council is providing an auspice role for this project. Given the conditions of the IES program, organisation of the projects will be closely coordinated between the partners. Council will be responsible for project reports to the EPA and most of the financial management. NECMA has requested that it receive, and directly manage, the funds for its project responsibilities.

Implications

Council Plan Outcomes

As the projects are not core business of Council they are not included in the Council Plan. However the projects are consistent with several objectives in the Council Plan.

Sustainability

These projects seek to redress the impact experienced by the Nuplex pollution release. The projects have a triple bottom line benefit to the local and broader community, the environment and also provide external funding in the local economy.

All the project partners make an in-kind contribution as part of the grant. All groups contribute project management and input to reporting and financial management. The community groups contribute volunteer time. Council will prepare the required project reports to the EPA.

Community Engagement

Community engagement is an integral part of the project. The timeline for the proposal and the impending court case did not allow for earlier consultation. The project partners developed projects of direct benefit to the affected community.

The projects include many opportunities for engagement. Events will celebrate the local environment and involve the community in the environmental improvement. Community involvement will happen through a community picnic day, tree planting, water quality education and involvement in local schools and the community, environmental information and tours, the tree photo record event and the Carp Muster event. The community will be consulted about the tree works in Sisely Avenue and the improvements in Wareena Park.

Conclusion

To coordinate the project, a Stakeholder Coordination Group will be formed. Representation will be sought from the directly affected area, and from the project partners. Regular communication will be established through a project newsletter, media information and the websites of the project partners.

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

Recommendation

That the report be noted.

Carried

11.2.2.5 PLANNING PERMIT APPLICATION PLNAPP12/075 - FIVE (5) LOT SUBDIVISION AT 1250 GREAT ALPINE ROAD TARRAWINGEE VIC 3678

PlnApp

12/075

Councillor T Atkins left the room at 7:30pm prior to consideration and voting of item 11.2.2.5 having previously declared a conflict of interest.

Background

Applicant: North East Survey Design
Owner: Peter J Daws & Helen S Daws
Subject Land: Lot 2 LP 139603
1250 Great Alpine Road TARRAWINGEE VIC 3678

Zone: Low Density Residential Zone (LDRZ), adjoins a Road Zone Category One (RDZ1)

Overlay: N/A

Permit Trigger: Clause 32.03-3 Subdivision of the land.
Clause 36.04 Alteration of Access to a Road Zone Category One

Introduction

This report deals with a planning permit application for subdivision of the land into five lots and alteration of access to a Road Zone Category One (RDZ1).

The application has received one letter of objection and an objection from Goulburn Murray Water (GMW) in their capacity as a Section 55 referral authority. Therefore the application is referred to Council for a decision with a recommendation to not support the application.

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

Proposal

The application proposes subdivision of the land into 5 lots. The land currently contains one (1) dwelling and has frontage to the Great Alpine Road and access rights to Ovens Terrace.

The subdivision includes the upgrade and alteration of the existing vehicle access to the Great Alpine Road. Both Lots 1 and 2 are designed to have frontage to the Great Alpine Road with Lot 1 designed to accommodate the existing dwelling on the land.

Common property is to be developed in the form of a court, providing access to Ovens Terrace via an easement of way located on the adjoining property to the south. All lots are nominated with building envelopes and effluent envelopes and the table below outlines the proposed lot sizes.

Proposed Lot No.	Proposed Size (ha)
1 (existing dwelling)	1.67
2	1.246
3	1.669
4	1.556
5	1.615

Subject Site

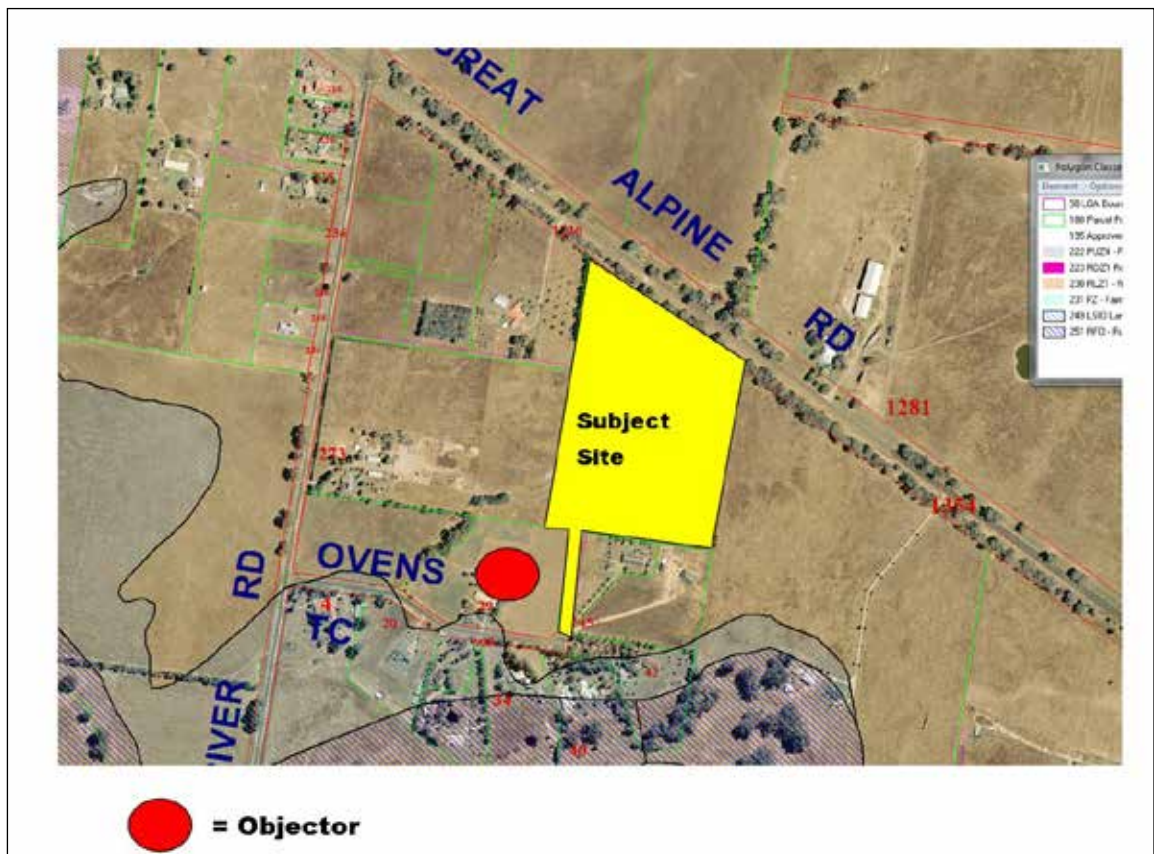
The subject land is located on the southern side of the Great Alpine Road, approximately 395 metres east of the intersection with River Road.

The site contains an existing dwelling with vehicular access from the Great Alpine Road. The site has an overall area of 8.02ha and contains strands of trees but generally consists of grazing paddocks. A waterway runs through the centre of the land from a culvert under the Great Alpine Road.

Locality

The subject land is situated on the eastern side of the Tarrawingee Township and on the boundary of Low Density residential zoned land.

Land to the north and east of the site generally consists of open grazing land. Immediately to the south of the site is Ovens Terrace, which is a low density residential subdivision, with a mix of lot sizes developed with dwellings. Land to the west is a recently approved subdivision of Low Density Residential land, however this is undeveloped at this stage.



Locality Plan

Planning Considerations

The subject land is zoned Low Density Residential and adjoins a Road Zone Category One (Great Alpine Road). A planning permit is required for the subdivision of the land and also for the alteration of access to a Road Zone Category One.

The following summarises the Planning Scheme requirements and decision guidelines applying to this proposal (commentary & assessment against these guidelines follows under *Assessment*):

Clause	Provision
Zone	
32.02	Low Density Residential Zone
36.04	Road Zone Category One
State Planning Policy Framework (SPPF)	
14.02-1	Catchment Planning and Management Objective
Particular Provisions	
56	Residential Subdivision

32.03 Low Density Residential Zone – Key Purpose:

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

Subdivision - Permit Requirement

A permit is required to subdivide land. The Wangaratta Planning Scheme (Schedule to the LDRZ) requires a minimum area of 1ha for subdivision for any land which is not currently supplied with reticulated sewerage.

All lots within the subdivision meet the minimum lot size as required by the schedule.

State Planning Policy Framework (SPPF)

14.02-1 Catchment planning and management

Objective:

To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

Strategies

- Protect water catchments and water supply facilities to ensure the continued availability of clean, high-quality drinking water;
- Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments;
- Retain natural drainage corridors with vegetated buffer zones at least 30m wide along each side of a waterway to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values, to minimise erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses;
- Undertake measures to minimise the quantity and retard the flow of stormwater runoff from developed areas;
- Encourage measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins;
- Ensure that works at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their in stream uses;
- Ensure land use and development proposals minimise nutrient contributions to waterways and water bodies and the potential for the development of algal blooms;
- Require the use of appropriate measures to restrict sediment discharges from construction sites; and
- Ensure planning is coordinated with the activities of catchment management authorities.

Policy guidelines

Planning must consider as relevant:

- *State Environment Protection Policy (Waters of Victoria)*.
- Any relevant regional river health program, river and wetland restoration plans or waterway and wetland management works programs approved by a catchment management authority.
- Any regional catchment strategies approved under the *Catchment and Land Protection Act 1994* and any associated implementation plan or strategy including any regional river health and wetland strategies.
- *Guidelines for planning permit applications in open, potable water supply catchment areas* (Department of Planning and Community Development , 2009).

Clause 65 Decision Guidelines

In the absence of reticulated sewerage the responsible authority must consider, as appropriate:

- The capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970;
- The benefits of restricting the size of lots to the minimum required to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria); and
- The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.

Consultation

Notification of the application for the proposal was given to adjoining neighbours and advertised in the Wangaratta Chronicle. One written objection was received.

No conciliation meeting has been undertaken, given the issues highlighted within the referral process of this application.

The objection received cited concern over the following issues:

- Adjoining property has proposed subdivision, concern is held over the runoff from the proposed driveway into the effluent disposal area.

Objections:

Site Runoff to Adjoining Property – Effluent Disposal System

The objection received cited concern over the potential of runoff from the driveway into the adjoining properties proposed effluent disposal area.

Officer Comment: Objection not supported. The proposed driveway on the subdivision will be required to be adequately drained within the confines of the property with flows directed towards a suitable point of discharge, therefore minimising the impact on the adjoining properties.

Referrals

Authority	Response
External Sec 55	
Goulburn Murray Water (GMW)	Objection to the proposal
VicRoads	No objection subject to conditions
North East Catchment Management Authority (NECMA – Sec 52)	No objection subject to conditions
Telstra	No objection subject to conditions
SP Ausnet	No objection subject to conditions
Internal	
Environmental Health	No objection subject to conditions
Technical Services	No objection subject to conditions

Pursuant to Section 66.02-5, the subdivision was referred to Goulburn Murray Water under Section 55 of the Planning and Environment Act. The land in question is contained within an area designated as a Special Water Supply Catchment Area, which covers a significant portion of the Municipality.

Goulburn Murray Water in its role as a Statutory Referral Authority has provided objection to the application and therefore, pursuant to Section 61 (2) of the Act, Council must resolve to refuse the application.

Section 61 (2) of the Act, provides no discretion for Council to consider approval of the application, as stated:

‘The Responsible Authority must decide to refuse to grant the permit if a relevant referral authority objects to the grant of a permit’

Goulburn Murray Water in their role as a Section 55 referral Authority have provided objection to the proposal for the following reasons:

- the application does not comply with the DPCD Guidelines ‘Planning permit applications in open, potable water supply catchment areas, May 2009’; and
- the application is not consistent with the objectives of the State Planning Policy Frameworks and Local Planning Policy Framework being the Wangaratta Planning Scheme.

Guideline 1 states that ‘each lot created in a subdivision should be at least 40 hectares in area’. This requirement does not apply if a Catchment Plan which addresses the cumulative impact of wastewater disposal is incorporated into the planning scheme.

Assessment

Subdivision Layout

The general concept and layout of the subdivision meets the requirements of Clause 56 (Subdivision of Land) and is supported in concept. The lot sizes are reflective of the surrounding land to the south and west of the site.

Vehicular access to the Great Alpine Road has been approved by VicRoads in accordance with conditions requiring its upgrade. The proposed lots 3, 4 and 5 will access Ovens Terrace via an existing Right of Way easement and a driveway created with suitable turning facilities.

Subdivision in an Open Potable Water Catchment

The report has previously discussed the referral response from GMW, which contained an objection to the granting of a planning permit.

Given the proposal's failure to meet the minimum lot size of 40ha for all of the proposed lots within the subdivision, it is considered that by failing to satisfy the requirements of the guidelines the proposal fails to achieve the objectives of Catchment Management and Planning.

Conclusion

On the basis of the discussion within this report, whilst the zoning of the land supports the theoretical basis for the subdivision of the land and the proposal can satisfy the majority of the referral authority and planning scheme requirements, the proposal cannot achieve the requirements of the DPCD Guidelines 'Planning permit applications in an open, potable water supply catchment areas, May 2009', and accordingly Goulburn Murray Water has objected to the proposal in their role as a statutory referral authority. Discussions with GMW indicate that the implementation of the proposed MOU between Council and GMW is unlikely to change their advice.

Therefore, pursuant to section 61 (2) of the Planning and Environment Act, 1987, Council must resolve not to support the application.

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

Recommendation:

That Planning Permit Application No. PlnApp12/075 for Five (5) Lot Subdivision is refused pursuant to Section 61 (2) of the Planning and Environment Act 1987, and that a Notice of Decision to refuse a Permit is issued on the following grounds:

Goulburn Murray Water (GMW) Grounds of Refusal:

1. **The application does not comply with the DPCD Guidelines ‘ Planning permit applications in open, potable water supply catchment areas May 2009’; and**
2. **The application is not consistent with the objective of the State Planning Policy Framework and Local Planning Policy Framework being the Rural City of Wangaratta Planning Scheme.**

Guideline 1 states that ‘each lot created in the subdivision should be at least 40 hectares in area.’ This requirement does not apply if a catchment Plan which addresses the cumulative impact of wastewater disposal is incorporated into the planning scheme.

Carried

Communication

That the applicant, referral authorities and objectors be advised of Council’s decision.

11.2.2.6 PLANNING PERMIT APPLICATION PLNAPP12/215 - CONSTRUCTION OF A DWELLING AND SHED IN LSIO AT 96 GIBBS LANE MOYHU VIC 3732

PnApp

12/215

Councillor T Atkins remained out of the room prior to consideration and voting of item 11.2.2.6 having previously declared a conflict of interest.

Background

Applicant: Arcangelo Martino
 Owner: Fontina Martino, Arcangelo Martino, Francesco Martino
 Subject Land: Lot 2 PS 417706 Vol 10834 Fol 357
 96 Gibbs Lane MOYHU VIC 3732

Zone: Farming Zone
 Overlay: Flood Overlay; Land Subject To Inundation Overlay
 Permit Trigger Clause 44.04-1 Buildings and Works in LSIO

Introduction

This report deals with a planning permit application for construction of a dwelling and shed on rural land affected by the Land Subject to Inundation Overlay (LSIO).

The application has received an objection from the North East Catchment Management Authority (NECMA) in its capacity as a section 55 referral authority under the *Planning and Environment Act 1987* (the Act). The application,

therefore, is referred to Council for a decision with a recommendation to refuse the application.

Council's Technical Services Department has also objected to the proposal. Discussion and assessment of the application against the relevant requirements of the Wangaratta Planning Scheme (the Scheme) follows within this report.

Proposal

The application proposes the construction of a single storey, four bedroom dwelling with attached garage and a 120m² shed on the subject site. The proposed location of the dwelling is 130 metres from the Moyhu-Meadow Creek Road frontage and 150 metres from the eastern boundary of the site. The shed is to the rear of the dwelling.

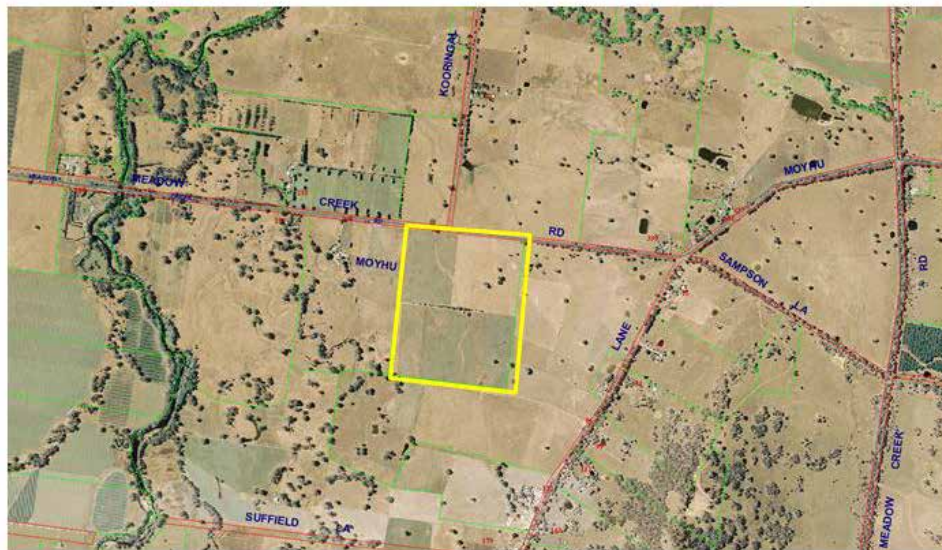
Subject Site and Locality

The subject land is 40 hectares in size and located on the southern side of the Moyhu-Meadow Creek Road, opposite Koorringal Park Lane (refer to Figure 1).

The site has scattered trees, several dams and a shed and vehicle access from the Moyhu-Meadow Creek Road. The land is bisected north-south by a 20 metre drainage easement in favour of an adjoining property.

The subject site is situated 2.7 kilometres east of the Moyhu Township in an area dominated by the King River floodplain. There is a mixture of lot sizes with scattered dwellings and open grazing land.

Figure 1: Site Plan



Subject Site

Planning Considerations

The subject land is zoned Farming Zone and is affected by both the Flood Overlay and the Land Subject to Inundation Overlay. A planning permit is not required for a dwelling on a lot more than 40 hectares in the Farming Zone, so no further assessment against the Farming Zone provisions is made in this report.

A planning permit is required for buildings and works in an area directly affected by the LSIO. In this case, the proposed location of the dwelling and shed, and the vehicle access to the dwelling are all located on land affected by the LSIO (refer to Figure 2).

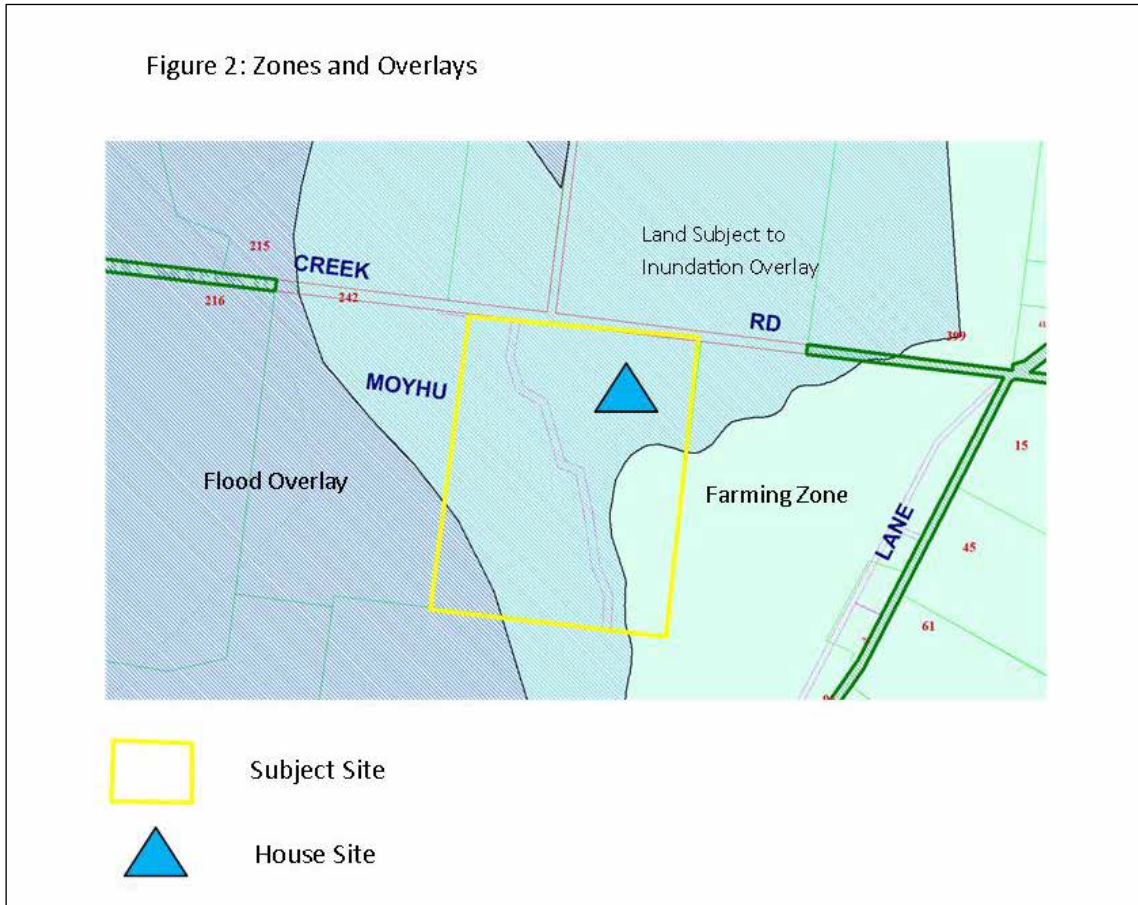
The following summarises the Scheme requirements and decision guidelines applying to this proposal (commentary & assessment against these guidelines follows under *Assessment*):

Clause	Provision
44.04	Land Subject to Inundation Overlay
13.02	Floodplains
21.10	Environmental Management & Heritage

Overlay Provisions - Clause 44.04 Land Subject to Inundation Overlay

Purpose:

- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*



A permit is required to construct a building or to construct or carry out works under the overlay provisions.

Referral of Applications

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *Any local floodplain development plan;*
- *Any comments from the relevant floodplain management authority;*
- *The existing use and development of the land;*
- *Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay;*
- *The susceptibility of the development to flooding and flood damage;*
- *The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:*
 - § *The frequency, duration, extent, depth and velocity of flooding of the site and accessway.*
 - § *The flood warning time available.*

- § *The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded; and*
- *The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.*

State Planning Policy Framework

Clause 13.02 Floodplains

Objective:

To assist the protection of:

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

Strategies include:

- Identify land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps. Land affected by flooding is land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority.
- Avoid intensifying the impacts of flooding through inappropriately located uses and developments.

Policy Guidelines

Planning must consider as relevant:

- State Environment Protection Policy (Waters of Victoria);
- Regional catchment strategies and special area plans approved by the Minister for Environment and Climate Change;
- Any floodplain management manual of policy and practice, or catchment management, river health, wetland or floodplain management strategy adopted by the relevant responsible floodplain management authority;
- Any best practice environmental management guidelines for stormwater adopted by the Environment Protection Authority; and
- Victoria Floodplain Management Strategy (Department of Natural Resources and Environment, 1998).

Local Planning Policy Framework

Clause 21.10 Environmental Management and Heritage

Strategic Directions include:

- Recognise and protect the natural functions of floodplains and the need to restrict subdivision, buildings and works in floodplains in accordance with flood hazard.

Consultation

Notification of the application for the proposal was given to adjoining neighbours. No objections were received by Council.

Referrals

Authority	Response
External Section 55 Referral	
Gouburn-Murray Water	No objection subject to conditions
North East Catchment Management Authority	Objection to the proposal
External Section 22 Notice	
SPAusnet	No response
Internal	
Technical Services	Objection to the proposal

Assessment

NECMA Response

Pursuant to Clause 66.03 of the Scheme, the proposal was referred to the North East Catchment Management Authority (NECMA) under section 55 of the Act. NECMA initially responded with a request for further information from the applicant. The request was for a site survey by a licenced surveyor for both the proposed building envelope and access route, with levels to Australian Height Datum (AHD), noting that the building envelope and access route should be on land above RL170.3m AHD. This equates to the Authority's 'best estimate of the 1% AEP flood level for the location' (AEP – Annual Exceedence Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year).

Further information was provided by the applicant on 21 February 2013 in the report 'Survey Report: Existing Conditions Survey' by Oxley & Company (dated 07 February 2013). Based on information in this report, NECMA has objected to the application. Pursuant to Section 61(2) of the Act, Council must resolve to refuse the application.

Section 61(2) of the Act provides no discretion for Council to consider approval of the application, as stated:

'The Responsible Authority must decide to refuse to grant the permit if a relevant referral authority objects to the grant of a permit'.

In its response dated 11 April 2013, NECMA provided the following grounds for objection to the proposal:

1. The proposed development is not consistent with the objective of the State Planning Policy Framework, clause 13.02-1 – Floodplain Management – to assist the protection of:
 - life, property and community infrastructure from flood hazard;
 - the natural flood carrying capacity of rivers, streams and floodways;
 - the flood storage function of floodplains and waterways; and
 - floodplain areas of environmental significance or of importance to river health.
2. The proposed development is not consistent with the decision guidelines in the Victorian Planning Provisions Practice Note: *Applying for a Planning Permit Under the Flood Provisions – A guide for Councils' referral authorities and applicants*, in that:
 - It is possible to relocate the development to land which is flood-free or which has a lesser risk;
 - It is likely to result in danger to the life, health and safety of the occupants due to flooding of the site;
 - It relies on low-level access to and from the site;
 - It is likely to increase the burden on emergency services and the risk to emergency personnel;
 - It is likely to increase the amount of flood damages to public or private assets;
 - It is likely to raise levels or flow velocities to the detriment of other properties;
 - It is likely to obstruct flood flows or reduce natural flood storage; and
 - It is likely to increase the number of buildings located in a floodway area.

Technical Services Response

Council's Technical Services Department also requested further information from the applicant. The request sought demonstration 'that the proposed house, shed, access road/driveway and key services are to be protected from damage in a 100 year flood'; bearing in mind that the minimum required freeboard is 300mm above the declared flood level.

The licenced surveyor's report demonstrates that no part of the site is above the nominated flood level of 170.3m. In fact, the highest point of the site that was surveyed was 1 metre below the nominated flood level. As a result, Technical Services cannot support the application.

Conclusion

On the basis of the discussion in this report, the proposal to construct a dwelling, shed and access way on the subject land cannot be supported.

It has been clearly demonstrated in the report submitted by the applicant, that no portion of the subject land is above the RL170.3 AHD level required to adequately address a 1 in 100 year flood event. As a result, the proposal does not meet the objectives of the SPPF or the LSIO.

Accordingly, both NECMA and Council's Technical Services Department have objected to the proposal. Pursuant to section 61(2) of the *Planning and Environment Act 1987*, Council must resolve not to support the application.

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

Recommendation:

That Planning Permit Application No. PlnApp12/215 for Construction of a Dwelling and Shed in the LSIO be refused pursuant to section 61(2) of the Planning and Environment Act 1987, and that a Notice of Decision to refuse a Permit be issued on the following grounds:

North East Catchment Management Authority Grounds of Refusal:

- 1. The proposed development is not consistent with the objective of the State Planning Policy Framework, clause 13.02-1 – Floodplain Management – to assist the protection of:***
 - Life, property and community infrastructure from flood hazard.***
 - The natural flood carrying capacity of rivers, streams and floodways.***
 - The flood storage functions of floodplains and waterways.***
 - Floodplain areas of environmental significance or of importance to river health.***

- 2. The proposed development is not consistent with the decision guidelines in the Victorian Planning Provisions Practice Note: Applying for a Planning Permit Under the Flood Provisions – A guide for Councils, referral authorities and applicants, in that:***
 - a) It is possible to relocate the development to land which is flood-free or which has a lesser risk;***
 - b) It is likely to result in danger to the life, health and safety of the occupants due to flooding of the site;***
 - c) It relies on low-level access to and from the site;***
 - d) It is likely to increase the burden on emergency services and the risk to emergency personnel;***
 - e) It is likely to increase the amount of flood damages to public or private assets;***
 - f) It is likely to raise levels or flow velocities to the detriment of other properties;***

- g) It is likely to obstruct flood flows or reduce natural flood storage;
and
h) It is likely to increase the number of buildings located in a
floodway area.**

Carried

Communication

That the applicant and referral authorities be advised of Council's decision.

Councillor T Atkins returned to the room at 7:34pm.

11.2.2.7 ENGAGEMENT OF CONSULTANTS - DPCD RURAL FLYING SQUAD – PROVISION OF PLANNING PERMIT ASSESSMENT RESOURCES

Consultant Engagement - Approval by Council

20.010.010

Introduction

In accordance with Council's resolution at the January 2013 Council meeting 'That Council review and decide upon the engagement of all external consultants except in emergencies for the next twelve months', approval is being sought to engage consultants through the DPCD "Rural Flying Squad" to provide planning permit assessment resources to Council as required.

Scope of Work

Council's Manager of Planning and Customer Services met with the DPCD Hume Regional Manager to explore the range of assistance that can be provided to Council for undertaking both statutory and strategic planning activities. Council has been successful in securing Rural Flying Squad resources to assist with delivery of a number of strategic projects. DPCD advise that Council can access Rural Flying Squad resources as required. This may also include where there are complex assessments that require additional resources, during periods of staff leave and where workloads require additional resources.

Statement of Need

DPCD have established the Rural Flying Squad to provide resources to assist Councils. The Rural Flying Squad is fully funded by DPCD and engagement of consultants is undertaken on our behalf or to do work for us at no cost to Council. It is recommended that Council take advantage of these resources to undertake planning permit assessments, as required.

Conclusion

Approval is sought for Council to engage the DPCD Rural Flying Squad to assist with planning permit assessment resources as required at no cost to Council.

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

Recommendation:

That Council approve the ongoing engagement with the DPCD Rural Flying Squad to assist Council, as required, with resources for planning permit assessments and related statutory planning work.

Carried

11.2.3 COMMUNITY WELLBEING

11.2.3.1 2013/14 COUNTRY FOOTBALL NETBALL PROGRAM

Sport and Recreation Funding Information

61.010.002

Introduction

This report provides advice to Council on the project proposed for funding under the Department of Planning and Community Development's (DPCD) 2013/14 Country Football Netball Program, which is now open for applications.

Background

The DPCD 2013/14 Country Football Netball Program (CFNP) provides funding to assist country football and netball clubs, associations and umpiring organisations to develop facilities in rural, regional and outer metropolitan locations.

The program is open all year but submitted applications are reviewed in two rounds, one in January and the other in May. The outcomes of submissions for the May round are expected to be announced by November of 2013 and can then commence as soon as the funding agreement is signed. This timeline is favourable for football projects as it allows the project to begin after the conclusion of the traditional season.

Projects likely to be funded under this program include:

- modifying existing football and netball facilities to improve usage and provide access such as:
 - § change room facilities for players and umpires of both genders; and
 - § multi-purpose meeting space;
- development or upgrading football playing fields;
- development or upgrading of netball facilities; and
- development or upgrading of lighting facilities.

Funding details:

- A maximum grant of \$100,000 is available;
- Funding ratio is DPCD \$2 : \$1 Local;
- Up to 25% of the total project cost is allowed as in-kind materials/labour; and
- The project must be completed within 18 months of a signed funding agreement.

DPCD have indicated that, despite the program's focus on football and netball specific projects, multiuse options are an important component of program evaluations.

DPCD have also indicated they are looking for projects that are ready to be implemented once funding announcements are made, including building permit approvals and evidence of fundraising completed.

An expression of interest (EOI) process has been undertaken by Council Officers for consideration by Council prior to submitting applications.

The EOI's are considered and rated by two panels:

- Representatives from DPCD and the Australian Football League, Victoria; and
- Representatives of the following Council Business Units:
 - § Technical Services;
 - § Facilities and Open Spaces;
 - § Planning and Customer Service;
 - § Community Health and Amenity; and
 - § Community and Recreation.

Issues

During the EOI advertising period Council received one EOI. This was received from the Greta Football-Netball Club (GFNC) seeking funding assistance for a netball court upgrade. This project is already part of the Clustered Netball Court Project which has been successful in obtaining funding through the Community Facilities Funding Program. Therefore the GFNC's submission under the CFNP is unnecessary. This has been communicated to the GFNC.

Council officers have developed a schedule of priority projects based on existing masterplans, municipal priorities and current needs. Two projects have been identified as eligible for the CFNP, these being:

- H.P. Barr Oval No.1 Lighting and Drainage Project; and
- Whorouly Recreation Reserve Changeroom Project.

Although the redevelopment of the Whorouly Recreation Reserve changerooms is eligible under the CFNP, it has been unsuccessful twice under this program in previous rounds. A staged redevelopment approach is currently being considered in order to adhere to available funding limitations. This work will not be completed in time for a submission under the current round of the CFNP.

The H.P. Barr Oval No 1 Lighting and Drainage Project has been identified as eligible, and meets current sporting and recreation priorities.

H.P. Barr Oval No 1 Lighting and Drainage Project aims to provide competition grade lighting for all users of the oval and address drainage challenges across a portion of the oval.

Additionally the project:

- is accompanied by detailed planning;
- fulfils original development plans for lighting at the oval;
- addresses applicable actions in the Parklands Masterplan and strategies guiding development in this precinct;
- has involved extensive stakeholder consultation;
- has detailed quotes;
- satisfies the criteria for a project that will support an increase in participation;
- has sought consultation with the AFL;
- has considered the extensive multi-use the precinct experiences;
- improves access to high quality sporting facilities for young people; and
- addresses issues associated with limited night training opportunities.

Implications

Council Plan Outcomes:

- *‘to undertake a planned approach to maintaining and improving quality and accessible recreation and sporting facilities and programs’, and*
- *‘to encourage the greater use of recreation facilities including formal sports facilities, open spaces, shared paths and aquatic centres’.*

Policies

Recreation Strategy

Manage the use of playing surfaces to increase overall capacity by encouraging the use of alternative training venues when required.

Parklands Master Plan

The plan stipulates the development of the Showgrounds into a premiere sporting facility while the remaining sporting infrastructure be developed into multi-use community facilities servicing a variety of different user groups.

The completion of the H.P. Barr Oval No 1 Lighting and Drainage Project will allow wider use of the oval, more frequent training opportunities and even wear of the playing surface.

Sustainability

The proposed project costs and contributions are as follows:

Amount	Stakeholder
\$10,000 (\$2000 x 5)	5 Individual Clubs
\$25,000	Council
\$700	Council In-Kind Labour
\$71,400	DPCD
\$107,100	Total Project Cost

Community Engagement

The project is supported by all of the current users of the H.P. Barr No 1 Oval, including;

- Centrals Junior Football Club;
- College Junior Football Club;
- Tigers Junior Football Club;
- City Colts Cricket Club; and
- Auskick

Program guidelines stipulate that priority will be given to projects that demonstrate collaboration between a range of stakeholders.

The users have committed to contributing a combined total of \$10,000.

Conclusion

Should the 'H.P. Barr Oval No 1 Lighting and Drainage Project' be given Council's support, officers will develop an application addressing the funding category criteria and submit to DPCD by the due date of 31 May 2013.

(Moved: Councillor D Joyce/Councillor T Atkins)

Recommendation

That Council:

- 1. supports the development of an application under the Victorian Government's Country Football Netball Program for the 'H.P. Barr Oval No 1 Lighting and Drainage Project by the due date of 31 May 2013; and***
- 2. allocate \$25,000 towards the project from the Country Football Netball Program recurrent operating budget allocation for 2013/2014.***

Carried

Communication

Stakeholders involved in this project will be informed of Council's decision and consulted with in the development of a funding application.

11.2.3.2 **DRAFT MUNICIPAL FIRE MANAGEMENT PLAN**

Fire Prevention

77.020.001

Introduction

Since the Black Saturday fires in February 2009 and the Victorian Bushfire Royal Commission (VBRC), there has been significant work undertaken by State and Local Government around revised approaches to prevention, preparedness, response and recovery in relation to bushfire.

This report presents to Council the Draft Municipal Fire Management Plan which now replaces the Municipal Fire Prevention Plan.

Background

The roles and functions of Councils in relation to emergencies, in particular fire, are set out in the Emergency Management Act 1986, Country Fire Authority Act 1958 and the Emergency Management Manual Victoria (EMMV).

Local government has many responsibilities associated with fire management, one of which is the development of the Municipal Fire Management Plan (MFMP). The MFMP is a key output of the State wide Integrated Fire Management Planning (IFMP) process and will be a sub plan of Council's existing Municipal Emergency Management Plan (MEMP).

These are in part from the guiding principles from the VBRC which focuses on the protection of human life and the concept of shared responsibility.

The MFMP is not a response Plan and is essentially about identifying fire risks and factors that contribute to fire risk, as well as the risk treatments applicable to manage and mitigate these risks. The MFMP also identifies works that will be undertaken to attempt to minimise the spread of fire and reduce the risk from fire to life and property.

The form and content of the MFMP is largely prescribed by the State Fire Management Planning Committee which has responsibility for implementing the IFMP process across Victoria.

The MFMP is closely tied to the Hume Regional Strategic Fire Management Plan (HRSFMP) which was finalised in 2011. The HRSFMP was developed by the Hume Regional Strategic Fire Management Committee of which the Rural City of Wangaratta (RCoW) is a member, along with all other Councils in the Region. The role of the Regional Committee is to ensure that each Council's Plan aligns with regional strategies and objectives and that no cross boundary

inconsistencies occur between Councils. Because of this, the MFMP of each Council in the Region contains similar generic information around risk frameworks and actions throughout the Plan.

The Draft MFMP has been developed by the Municipal Fire Management Planning Committee (MFMPC), a subcommittee of the MEMPC Committee (MEMPC). Please refer to the attached diagrammatic representation of the interrelationship between the different levels of influence and planning (**refer attachment**).

The MFMPC is a broad based committee consisting of key Council emergency management staff, Council environment staff, Country Fire Authority (CFA), the Department of Sustainability and the Environment (DSE), Parks Victoria and other organisations as required from time to time.

The Draft MFMP must be submitted by the MFMPC to the MEMPC for approval before it can be referred to Council with a recommendation that the Draft Plan be approved for the purposes of community consultation and engagement. In line with this requirement, the MEMPC approved the plan for community consultation on 18 December 2012. The Draft MFMP, as endorsed by the MEMPC is now ready to be received by Council (**refer attachment**).

Following the community consultation and engagement process, the Draft MFMP must again be considered by the MFMPC. Any amendments made must be referred to the MEMPC for final approval. The MEMPC will then make a recommendation to the Council that the Plan be adopted.

The substantive parts of the Draft MFMP are the result of an extensive process undertaken by the MFMPC to date. These include:

- The outcomes of an Environmental Scan that identified fire risks unique to the Rural City of Wangaratta and risks that are common across the Region such as vulnerable people. Risks were identified in part by the use of the Victorian Fire Risk Register (VFRR), the Hume Regional Strategic Fire Management Plan and the local knowledge of MFMPC members, including CFA Group Captains;
- The MFMPC was also provided with detailed maps prepared for the process, including fire intensity maps showing potential fire risk on days of severe, extreme, and code red fire danger ratings;
- The MFMPC identified 55 risk categories for the municipality and the factors contributing to those risks. The highest risk impacts are Loss of Human Life with this risk being identified as most likely to occur at particular townships and locations across the municipality. Other risks identified include loss of, or damage to transport infrastructure, communications infrastructure, community infrastructure that supports social connectedness and loss of agricultural and horticultural infrastructure which affects the productivity and viability of the municipality and the region;

- The Table in Part 3.7 of the Plan documents details of the key assumptions made by the Committee in the risk assessment process and defines the future risk profile;
- The detailed Risk Register developed by the Committee is included in the Plan commencing from page 30;
- The identification of treatments for those risks are based on risk treatments (and appropriate codes) prescribed in the VFRR. These treatments include response by agencies such as CFA and DSE, various education programs, works programs such as roadside vegetation management, roadside slashing, spraying and mowing and private property inspections, availability of adequate water supply and other similar programs. The detailed list of treatments to be applied to the identified risks is also contained in the Plan commencing from page 35;
- The Plan will include a proposed Multi Agency Works Plan which identifies the work to be undertaken by various agencies (including Council) with fire management responsibilities under the Emergency Management Manual Victoria. The works "assigned" to the Council are confined to those fire prevention related works which Council already undertakes each year. This detail is contained in Attachment 7 of the Plan; and
- An Engagement and Communications Plan has been included in the Draft MFMP. Some funding is available from the IFMP program to assist with implementation of the Engagement and Communications Plan.

The Draft MFMP has a 3 year life but will be reviewed on an annual basis to ensure that any new risks identified have appropriate risk treatments allocated to them. As with the previous Municipal Fire Prevention Plans, the Draft Plan will be audited every 3 years as prescribed under the Country Fire Authority Act 1958.

Issues

The community consultation activities need to consider the following issues:

- The Draft plan has been developed at the direction of the State Government and is therefore structured to meet criteria established by government and the State Committee as part of the State Fire Management Strategy 2009;
- The Draft plan has been drafted with support and input from key stakeholders however there has been no general involvement with the broader community;
- There is very limited opportunity for the community to alter the format, content and nature of the Draft plan as per the State Government requirements of the document;
- Being a high level document that focuses on how agencies work together, there is minimal opportunity for specific issues of concern of residents to be addressed in the Draft Plan; and

- Once the initial plan is established, opportunities for community comment and input to the plan will arise during the annual review phase of the plan each year.

Implications

Council Plan Outcomes

The completion of the Municipal Fire Management Plan is consistent with the Council Plan activity of promoting a high level of community safety.

Sustainability

The development of the Draft MFMP has been undertaken within existing resources and in partnership with a range of stakeholders including: the Department of Sustainability & Environment, CFA, VicRoads, SP Ausnet and water authorities.

Community Engagement

It is proposed that the Draft MFMP be placed on public exhibition for 28 days and will be promoted through Council's Rural Connections page and website. Promotion of the Plan will also take place through the local Victorian Farmers Federation and local newsletters where this is possible.

Conclusion

The key changes between the Municipal Fire Prevention Plan and the MFMP is fundamentally:

- A name change;
- A greater focus on risk treatments; and
- A more integrated approach instead of being solely focussed on the Local Government responsibilities.

The Draft Municipal Fire Management Plan is now ready to be received by Council and placed on public exhibition for consultation and comment.

(Moved: Councillor J Fidge/Councillor T Atkins)

Recommendation

That Council endorse the Draft Municipal Fire Management Plan to be placed on public exhibition for a period of 28 days.

Carried

11.2.3.3 2014-15 COMMUNITY FACILITY FUNDING PROGRAM

Sport and Recreation – Funding Information

61.010.002

Introduction

The Department of Planning and Community Development (DPCD) has provided preliminary information to Council of changes to the Community Facility Funding Program (CFFP).

This report is to:

- inform Council of impending changes to the CFFP;
- inform Council of the implications on Council's approval process for the submission of applications to the 2014-15 round of the CFFP; and
- seek in principle agreement from Council for project proposals to be developed for specific projects.

Background

The CFFP assists in providing high-quality, accessible community sport and recreation facilities across Victoria by encouraging:

- increased sport and recreation participation;
- increased access to sport and recreation opportunities;
- better planning of sport and recreation facilities;
- innovative sport and recreation facilities;
- environmentally sustainable facilities; and
- universally designed facilities.

The CFFP provides grants for:

- planning;
- building new facilities; and
- improving existing facilities.

This is essential for communities to interact and participate in sport and recreation. The funding is provided through the following categories:

Funding Category	Funding Range	Rural Ratio
Better Pools	Up to \$3,000,000	DPCD \$1:\$1 Local
Seasonal Pools	Up to \$ 200,000	DPCD \$2:\$1 Local
Minor Facilities	Up to \$ 100,000	DPCD \$2:\$1 Local
Major Facilities	Up to \$ 650,000	DPCD \$1:\$1 Local
Soccer Facilities	Up to \$ 100,000	DPCD \$2:\$1 Local
Planning	Up to \$ 30,000	DPCD \$2:\$1 Local

Typically the CFFP has opened in the middle of each calendar year, accepting applications for the following financial year. Due dates for applications vary depending on the particular category. Funding timelines in the past have

remained the same; they have been predictable and provided sufficient time for Council to undertake an Expression of Interest (EOI) process with sporting groups.

In 2012, the following milestone schedule was undertaken:

Applications Open	July 2012
Closing date for:	
<ul style="list-style-type: none"> · Major Facilities, · Better Pools, and; · Seasonal Pools. 	22 August 2012
<ul style="list-style-type: none"> · Minor Facilities. 	26 September 2012
<ul style="list-style-type: none"> · Planning, and; · Soccer Facilities. 	31 October 2012
Anticipated announcements for	
<ul style="list-style-type: none"> · Major Facilities, · Better Pools, and; · Seasonal Pools. 	November 2012 onwards
Anticipated announcements for	
<ul style="list-style-type: none"> · Minor Facilities. 	December 2012 onwards
<ul style="list-style-type: none"> · Planning, and; · Soccer Facilities. 	February 2013 onwards
Projects commence	1 July 2013

Issues

DPCD officers have advised that the CFFP has been reviewed and significant changes are forecast to occur for the upcoming 2014-15 funding round. Although the changes have yet to be finalised, DPCD officers have discussed the proposed changes and the potential implications for local government. Currently it is indicated that the primary focus of program changes will be the application procedure itself, which will implicate timelines. Confirmation of the changes will not be made available until the end of April 2013.

The advice states that the application procedure will now include a two stage process, a project proposal submission stage and then the development of a full application. It is envisaged that this will allow DPCD to review the applicability of projects prior to the development of a full application. This procedure is currently utilised in the Putting Locals First Program, also administered by DPCD

The inclusion of the project proposal stage will affect timelines for submission making them more compact and difficult for Council to undertake a consultative process (ie an EOI). Although official dates have yet to be released, DPCD officers have indicated the following proposed timelines for the 2014-15 CFFP.

CFFP open	Mid May 2013
Project proposals due	Early June 2013
Project proposal success/failure notification	Early July 2013
Full application due	Late August 2013
Funding announcements	December 2013
Projects commence	July 2014

It is not expected that the structure of the existing program categories (minor, major, planning) will change. Nor is it expected that the maximum funding limits for any of the program categories will be altered significantly. However there will be insufficient time to call for EOI's.

Implications

The addition of the project proposal submission stage presents challenges to local governments to implement their own project approval stages and timelines. In the past Council has advertised an EOI process to enable local sporting groups to identify their own projects. Fortunately work has progressed within Council's Community and Recreation Unit to develop a planned approach to the provision of quality sport and recreation facilities; however this work is incomplete and still relies on contact from sporting groups.

Work has been undertaken over the past year which has identified some 'ready' projects. However an important issue for Council is that the proposed projects anticipated to be submitted for consideration under the 2014-15 CFFP are dependent on Council's 2013-14 budget approvals. The proposed projects include:

- City Oval/Tennis Precinct Multipurpose Sporting Development Project Stage One (Major Category);
- Walking and Cycling Strategy (Planning Category); and
- Moyhu Tennis Court redevelopment (Minor Category).

City Oval/Tennis Precinct Multipurpose Sporting Development Project

The project is the result of consultation with the precinct user-groups, and incorporates the following:

- Multipurpose building (272 sq metres);
- 2 multi-use courts and lighting (including removable tennis netting and netball goal posts;
- Shelters for netball team and scorers;
- Storage for tennis/netball equipment;
- Decommission existing netball court and return to parking;
- Relocation of existing cricket nets; and
- Access paths/roads.

Project development background as follows:

- Individual groups from within the precinct have submitted expressions of interest for the Country Football Netball Program (CFNP) and Council's Community Grants funding program;
- These applications included the replacement of public toilets within City Oval and the installation of toilet and change room facilities at the Hard-court Tennis Clubrooms;
- Safety issues and complaints on the condition of the toilets have been identified with the continued use of the public toilets at City Oval;
- Safety issues concerning the need for children and other players to cross a busy road to access the public toilets on the traffic island in the car park have been raised by the Hard-court Tennis Club;
- The Wangaratta Hockey Club has approached Council regarding the need for adequate facilities; and
- In consideration of these projects and in line with funding eligibility requirements it was identified that supporting single purpose, single use buildings should not be supported by Council, and therefore the multipurpose project has evolved.

Walking and Cycling Strategy

Council's existing Strategy ("Cycling to the Future") was adopted by Council in 1999. The strategy had a focus on cycling paths throughout Wangaratta itself as well as the development of the rail trail network throughout the municipality.

A significant amount of growth has occurred around Wangaratta and increased interest in cycling as a leisure and recreation pastime. The new strategy would be all encompassing and identify infrastructure throughout the Rural City of Wangaratta catering for the significant increase in participation in cycling and walking. The Hume Region is currently undertaking a regional strategic plan focusing on significant tracks and trails, lending an importance to the review of our municipal-wide strategic document.

Moyhu Tennis/Multiuse Facility

The Moyhu Recreation Reserve Masterplan is complete and one of the highest priority projects is the development of a multi- use tennis facility, including:

- Re-development of the two tennis courts to multi-use courts (tennis/netball);
- Connection of electricity to the site;
- Provision of toilet facilities; and
- Court lighting installed.

The project will also have added benefits to the Moyhu Football/ Netball Club by providing added amenities for football and netball spectators and additional court space for netball training purposes. Currently lower grades must train at a different location. The Cricket Club participants & Moyhu Youth Club will also be able to utilise the facilities.

The background to this project is as follows:

- EOIs received for tennis court redevelopment in 2011/12, 2012/13 and 2013/14 funding programs;
- The project was not supported by Council in 2011/12;
- This project was then supported by Council in 2012/2013 and an application was submitted to DPCD. The application was unsuccessful;
- Council received an EOI for the 2013/14 (current round), however, it was determined to wait for the Moyhu Recreation Reserve Master Plan to be finalised before it was considered for funding.

The following table provided the draft budget for each project:

Organisation	Project	Estimated Total Project Cost	Estimated Community Contribution	Estimated Contribution sought from Council	Estimated Contribution sought from DPCD
Moyhu Tennis & Recreation Reserve Committee	Tennis / multi use facility: Redevelop two existing tennis courts with lighting and multiuse lining, power upgrade and amenity installation	\$135,000	\$10,000	\$35,000 subject to budget approval	\$90,000
City Oval-Tennis Precinct User-Groups	City Oval/Tennis Precinct Multipurpose Sporting Development Project Stage One	\$1,125,000	\$175,000	\$400,000 subject to budget approval	\$575,000
Council	Walking Cycling Category	\$50,000		\$20,000 subject to budget approval	\$30,000

The adoption of the two staged application process requires project proposal submission in early June, two months earlier than initial due dates in 2012.

The process will include:

- The submission of a project proposal with preliminary information to be provided on a project;
- Council will then receive advice as to whether the project should go to application stage; and
- what components will need to be strengthened.

It is suggested that Council approval be sought in conjunction to the proposed DPCD application process as follows:

Council Forum meeting – CFFP Information (this report)	23 April 2013
CFFP open	Mid May 2013
Council meeting to approve proposals submission	21 May 2013
Project proposals due	Early June 2013
DPCD advises project proposal result	Early July 2013
Council Meeting to approve application submission	23 July 2013
Grant application due to DPCD	Late August 2013
Funding announcements	December 2013

Although the program adjustments present challenges in this particular funding round, they will also provide some advantages. While Council only submits the strongest projects to progress to the full application stage, multiple projects can be submitted at the project proposal stage. This opportunity allows each project to be checked at higher levels of DPCD assessment processes without incurring the time and expense of developing a full application.

Conclusion

Proposed changes to the 2014-15 CFFP program will result in adjustments to Council's approval processes. Should the City Oval/Tennis Precinct Multipurpose Sporting Development Stage One, (Major Category) Walking and Cycling Strategy (Planning Category) and the Moyhu Tennis/ multi-use Development project be given Council's in principle support, officers will develop a report for the 21 May 2013 Council Meeting to seek Council's approval for the project proposals to be submitted to DPCD by the required date.

(Moved: Councillor D Joyce/Councillor T Atkins)

Recommendation

That Council supports the submission of the project proposals under the Victorian Government's Community Facilities Funding Program by the required date of 5 June 2013 for the:

- ***City Oval/Tennis Precinct Multipurpose Sporting Development - Stage One, (Major Category);***
- ***Walking and Cycling Strategy (Planning Category); and,***
- ***the Moyhu Tennis Redevelopment Project.***

Carried

Communication

Stakeholders involved in these projects will be informed of Council's decision and consulted with in the development of a funding application.

11.2.4 INFRASTRUCTURE SERVICES

11.2.4.1 ADOPTION OF DRAFT WASTE MANAGEMENT STRATEGY

Waste Management

72.020.015

Introduction

This report provides Council with feedback on the outcomes of the public consultation period for determining whether to adopt the Draft Waste Management Strategy.

Background

The Draft Waste Management Strategy was presented to Council at its meeting held on 19 February 2013. Council resolved to place the draft on public exhibition seeking submissions closing on Friday 22 March 2013.

10 submissions were received by the close of the submission period. The feedback was complementary and positive, particularly for the sustainability of the local environment.

The key message from the feedback is that education of ratepayers and commercial operators to separate their waste is integral to the success of the aim of the Strategy; to reduce waste going to landfill.

The Draft Waste Management Strategy is as follows:

- Provide larger recycling bin (360 litre) for households with four or more occupants;
- Commence an organics collection service with a 240 litre ‘third bin’ for households within the Wangaratta urban area;
- Increase the life of the Bowser landfill through the baling of the residual waste stream;
- Relocate the Wangaratta transfer station to Bowser and create a Waste Recovery Centre;
- Rationalise the transfer stations by closing the ones within easy access to Bowser; and
- Partner with NevRwaste and Sustainability Victoria to continue educating the community on the importance of waste reduction and the importance of diverting waste from landfill

A copy of the Draft Waste Management Strategy is attached (*refer attachment*).

Issues

The Draft Waste Management Strategy provides a means by which the objectives of the draft Waste Management Strategy could be achieved. As the strategy is pursued, it is possible that the implementation steps might vary from that set out within the strategy document. Particularly, the two 'expression of interest' (EOI) processes that will be run for organics processing and kerbside collection might result in more cost effective alternatives to achieve the goals of the strategy.

Implications

The implementation of the Waste Management Strategy will require significant financial commitment from Council and efforts will be made to offset some of these costs through grant funding.

The results of the EOI processes may see a different path taken to implement the strategy than has been outlined within the Draft Waste Management Strategy.

Conclusion

The Draft Waste Management Strategy provides for the future management of waste within the Rural City of Wangaratta through improving opportunities for recycling, diversion of organic waste, and better utilisation of the air space in the Bowser landfill thus extending its life. On this basis, it is recommended that Council adopt the Draft Waste Management Strategy.

Recommendation:

That Council adopt the Draft Waste Management Strategy.

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

That Council adopt the Draft Waste Management Strategy recognising that the implementation is subject to Council's annual budget process.

Carried

Communication

The persons or organisations who took the time to make a submission have been formally acknowledged.

11.2.4.2 JOINT LETTER AND PETITION – REQUEST TO SEAL EDI-CHESHUNT ROAD, CHESHUNT

Edi-Cheshunt Road

12230

Introduction

This report advises of the status of investigations into the issues raised in a joint letter and supporting petition tabled at the 16 April 2013 Council meeting, requesting sealing of the Edi-Cheshunt Road, Cheshunt..

Background

A joint letter containing 3 signatures and supporting petition containing 90 signatures from residents and users of Edi-Cheshunt Road, Cheshunt was tabled at the 16 April Council meeting.

The petition is in support of a joint letter requesting permanent sealing of the Edi-Cheshunt Road, particularly the section of the road between Cheshunt and the Gentle Annie turnoff.

Issues

Investigations into the issues raised in the joint letter have commenced and are yet to be completed. A report will be forwarded to the June Council meeting for consideration.

(Moved: Councillor N Amery/Councillor T Atkins)

Recommendation

That a report into investigations into the request within the joint letter be considered at the 18 June 2013 Ordinary Council meeting.

Carried

Communication

The signatories to the joint letter accompanying the supporting petition will be advised that the report will be considered at the June 2013 meeting.

11.2.4.3 BELLA WAY/ CRUSE STREET ROAD NAMING

Place/Road Naming

73.020.014

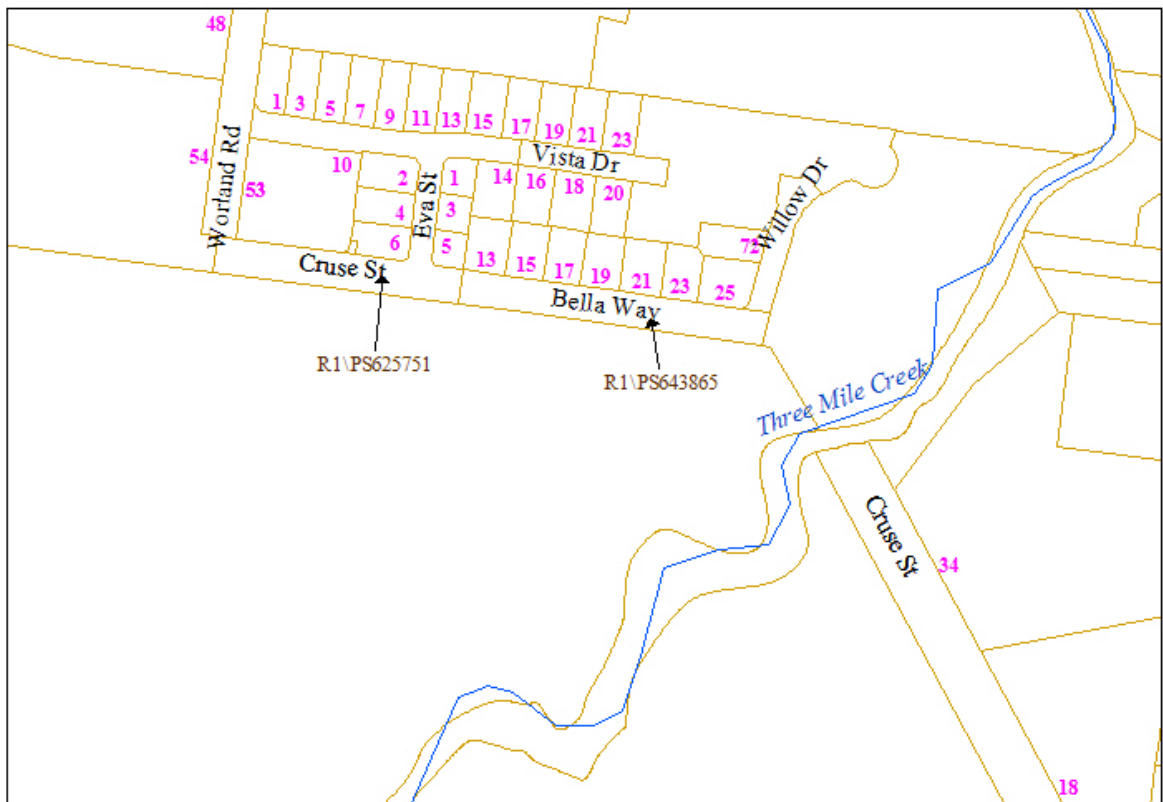
Introduction

This report discusses the outcome of advertising of a proposal to rename the western section of Cruse Street between Worland Road and Willow Drive as “Bella Way”.

Background

This road naming anomaly was considered by Council at its meeting held on 19 March 2013 where it resolved to advertise and seek feedback from referral authorities and the public on the above proposal.

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



A report was considered by Council at its meeting held on 19 March 2013 and resolved as follows:

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

Advertisements were placed in the Wangaratta Chronicle and on Council’s website and letters were sent to referral authorities seeking feedback on the proposal.

No objections were received by the close of the advertising period.

Conclusion

As no objections were received to the proposal it is recommended that Council formally rename the western section of Cruse Street between Worland Road and Willow Drive as “Bella Way”.

(Moved: Councillor J Fidge/Councillor N Amery)

Recommendation

That Council rename the western section of Cruse Street between Worland Road and Willow Drive as “Bella Way”.

Carried

Communication

That the Registrar of Geographic Names be advised of Council’s decision.

11.3 SPECIAL COMMITTEE REPORTS

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 21 March 2013.

Attendees: Youth Councillors Sofia Kennedy, Mary Watter, Elizabeth Hindle, Melinda Suter, Hazel Vaughan, Zoe Stinson, Max Dewez and Youth Mayor Belle Currie, Katy Hawkins (Youth Development Officer).

There were no declarations of conflict of interest.

The following items were discussed at the meeting:

- Unbranded update;
- Youth Council nominations;
- Public Address (PA) equipment training with Creative Youth;
- Youth Council presentation to the Rotary Club of Wangaratta; and
- Creative Youth report

The following items are provided for Councillors information:

Public Address (PA) Training with Creative Youth

Youth Councillors will be taking part in a PA training session with the Creative Youth Crew. The training will ensure that there are additional young people skilled in the operation of the PA system which Creative Youth manage for most youth events, to allow the work load to be shared at events.

Youth Council Presentation to Wangaratta Rotary

Youth Councillors Zoe Stinson and Elizabeth Hindle were recently invited to attend the monthly meeting of the Rotary Club of Wangaratta. The presentation included information about the 2012 Youth Survey findings as well as local issues and events that are relevant to young people. The members of the Rotary Club were very interested in working with Youth Council on future events and initiatives.

(Moved: Councillor P O'Brien/Councillor N Amery)

Recommendation

That the report be noted

Carried

12. RECORDS OF ASSEMBLIES OF COUNCILLORS

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

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

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

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

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

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

Date	Meeting details	Refer
14-05-2013	Draft Council Meeting & Deputations	Attachment
23-04-2013	Councillors’ Briefing Forum	Attachment
22-04-2013	Council Plan Discussion	Attachment
16-04-2013	Prior to Ordinary Council Meeting	Attachment

(Moved: Councillor P O’Brien/Councillor N Amery)

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 23 April and 7 May 2013:

4.2.3.1-Draft Hume Regional Growth Plan

4.2.3.2-2013/2014 Budget Context and Parameters

4.2.3.3-Manufacturing Sector Support Strategy

4.2.3.4-Urban Renewal Project – Ovens College Site

4.2.3.5-Council Subscriptions

4.2.3.6-Tourism Events Funding Program

4.2.3.7-Draft King Valley to Milawa Masterplan

4.2.3.8-MAV Strategic Plan 2013-2014

4.2.5.1-Township Blitz Proposal

4.2.5.4-Municipal Public Health and Wellbeing Plan

**5.1-NOFB 15 -Procurement Process – Criteria for Contract
Evaluation/ Separation of Duties**

5.2-NOFB 16 -Major Projects/ Expenditure Business Decisions

5.3-NOFB 17 -Procurement Evaluation Criteria

5.4-NOFB 18 -Communications to Councillors –

5.5-NOFB 19 -Correspondence Policy

5.6-NOFB 20 -Customer Action Request Procedure

Carried

13. NOTICE OF MOTION

13.1.1.1 COUNCILLOR FIDGE – NOTICE OF MOTION No.45

Notice of Motion

10.010.010

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

(Moved: Councillor J Fidge/Councillor N Amery)

That Council elect Councillor Paul O'Brien as Deputy Mayor for a term coinciding with that of the Mayor.

Carried

Background

It would be prudent to have a Deputy Mayor who can carry out the duties of Mayor if the need arises.

13.1.1.2 COUNCILLOR O'BRIEN – NOTICE OF MOTION No.50

Notice of Motion

10.010.010

Councillor Paul O'Brien has given notice of his intention to move the following motion:

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

- 1. That the submitted criteria (outlined in attached Consultant Request Form) (refer attachment) be approved by Council for a trial period of 3 months (June, July and August 2013)***
- 2. After the trial period Council is to discuss the ongoing engagement of external consultants in a Forum Meeting in September 2013.***

Carried

Background

Following a recommendation from the March 2013 meeting:

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

13.1.1.3 COUNCILLOR FIDGE – NOTICE OF MOTION No.51

Notice of Motion

10.010.010

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

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

That Council produce and circulate to Councillors an Action List arising from Council Forum and Draft Agenda meetings.

Carried

Background

An Action List will help clarify what actions have been requested and who is responsible for following up requests from Council to Council staff. This practice will help Council govern more effectively and efficiently.

14. URGENT BUSINESS

Councillor J Fidge sought leave of the meeting to present an item relating to a Council contribution to the Municipal Association of Victoria campaign regarding the proposed referendum question to recognise Local government in the Commonwealth Constitution.

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

That Council accept an item of urgent business relating to a Council contribution to the Municipal Association of Victoria campaign regarding the proposed referendum question to recognise Local government in the Commonwealth Constitution.

Carried

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

That Council not contribute to the Municipal Association of Victoria funding of the campaign regarding the proposed referendum question to recognise Local Government in the Commonwealth Constitution.

Carried

15. AUTHORISATION OF SIGNING AND SEALING OF DOCUMENTS

Authorisation of Signing & Sealing of Documents

50.010.004

(Moved: Councillor J Fidge/Councillor N Amery)**Recommendation*****That Council sign and seal the following documents:***

- 1. Memorandum of Understanding (MOU) – Goulburn Murray Water and The Rural City Of Wangaratta; and***
- 2. Transfers of Land for Reserve 1 PS 130977 and Reserve 1 PS 148360.***

Carried

16. PUBLIC QUESTION TIME

Public Question Time

10.020.004

John Vance – Wangaratta

Mr Vance asked why Council is a member of ICLEI (Local Governments for Sustainability) and why there is no information regarding this membership on Council's website.

Councillor R Parisotto, Mayor, responded that she would take the question on notice and enquire as to how it is affecting Council's operations.

Ms Patti Wenn, Acting Director Community Wellbeing, advised that she would take the question on notice.

Phillip Larkin – Moyhu

Mr Larkin made an enquiry regarding the absent Chief Executive Officer, Director Sustainability and Director of Community Wellbeing.

Councillor Parisotto – Mayor replied that, as it was an operational issue, she would refer it to the Chief Executive Officer when he returns from leave.

Brian Jones – Bowser

Mr Jones wished to know whether the victims or the State Revenue Office is the recipient of the \$160,000 fine money from the Environment Protection Agency for the Nuplex chemical plume.

Mr Peter Mangan, Acting Director Sustainability referred Mr Jones to Item 11.2.2.4 of the Agenda which outlined the projects for the funds.

Ken Clarke – Wangaratta

Mr Clarke referred to item 11.2.1.2 – Council Plan – Progress Report and enquired as to what makes up the carried forward figure of \$823,000 on page 15 of the Financial Report.

Councillor R Parisotto, Mayor responded that she would take it on notice and forward the information.

Gary Nevin – Bobinawarrah

Mr Nevin asked if Council Delegations were on the Council website and, if an argument arises, how do we find out who is responsible.

Councillor R Parisotto, Mayor, replied she would take it on notice.

Mr Jim Lewis – Wangaratta

Mr Lewis referred to the previous suggestion that the Council Plan would be taken around the municipality for review and asked if he was correct in assuming this was not going to happen, given there were only ten days left for submissions

to be lodged. Mr Lewis also asked whether the Budget would be released in May.

Councillor R Parisotto, Mayor, responded that, due to circumstances, the Council Plan would not be going on a 'road show'. Councillor Parisotto also informed Mr Lewis that discussions on the Budget were scheduled to take place on 28 May 2013.

Mr Peter Mangan, Acting Director Sustainability advised a Special Meeting of Council is scheduled to adopt the proposed Budget for 2013/2014 which will then be released for community consultation and receipt of submissions.

Val Brennan – Greta West

Ms Brennan wished to know how much the Rural City of Wangaratta spends annually with the Wangaratta Chronicle for advertising and other media events.

Councillor R Parisotto, Mayor will take it on notice.

Pat Webb – Whorouly

Mrs Webb enquired as to why the Whorouly Streetscape plan was being tied to the Football/ Netball Rooms' project and is there a plan for the 'dangerous drain' issue.

Mr Peter Godfrey advised that Council is developing revised costings on the Streetscape component to assist in the preparation of a grant application. There is \$50,000 seed funding carried forward to the 2013/2014 Budget in anticipation of grant funding.

Nicola Bussell – Carboor

Ms Bussell referred to item 11.2.1.2.-. Council Plan – Progress Report, and asked does Council actively participated in the Hume Strategy for Sustainable Communities and what opportunities does Council see arising from this Strategy.

Councillor T Atkins responded advising that Council benefits on a number of fronts including:

- Sustainable Communities;
- Investment;
- Planning;
- Infrastructure growth planning;
- Government funding;
- Regional projects;
- Regional Branding; and
- Broadband.

The Strategy is a good way forward. Working collectively as a group with 12 Councils gives us a greater voice in Spring Street.

Fergus Ramsay – Myrree

Mr Ramsay asked if Council was going to rescind the letter sent by the Chief Executive Officer on 10 October 2011 supporting the recognition of Local Government in the Constitution.

Councillor J Fidge responded that Council cannot rescind a motion which has been acted upon.

Councillor R Parisotto, Mayor – This motion dealt with a request for financial support.

Mr Daniel Fisher –

Mr Fisher asked whether Council were going to move forward with the project to roof the saleyards.

Councillor R Parisotto, Mayor – advised there had been two motions regarding the staging of the project and she would take the time frame on notice.

Mr Peter Godfrey, Acting Director of Infrastructure, advised that expressions of interest regarding the roofing of the saleyards had been advertised with expressions closing on 7 June 2013.

Michael Smith – Docker

Mr Smith asked whether there was a standard for maintaining roads, because he could not find anything on Council's website in this regard.

Mr Peter Godfrey, Acting Director of Infrastructure, responded that there was a standard for the construction of roads, based on the Infrastructure Design Manual, and that this was available on the Council's website under Council Services.

Mr Peter Mangan, Acting Director Sustainability, also commented that the Council's Road Management Plan would be relevant to his query and that this had recently been out for public comment as part of a review process required under the Road Management Act.

17. CONFIDENTIAL BUSINESS

Nil

18. CLOSURE OF MEETING

Councillor R Parisotto, Mayor, thanked the Whorouly community for the use of their facilities and their abundant hospitality.

The meeting closed at 8:40pm.